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# NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

## THESIS

**THE PREAH VIHEAR TEMPLE: WHAT'S IN A CLAIM?**

by

Lucas G. Barlow

December 2011

Thesis Co-Advisors:

Michael S. Malley  
Sophal Ear

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**THE PREAH VIHEAR TEMPLE: WHAT'S IN A CLAIM?**

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Submitted in partial fulfillment of the  
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES  
(FAR EAST, SOUTHEAST ASIA AND THE PACIFIC)**

from the

**NAVAL POSTGRADUATE SCHOOL  
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## **ABSTRACT**

This thesis argues that the Preah Vihear Temple territorial dispute is primarily a result of conflicting historical claims tied to the colonial legacy in Southeast Asia. Furthermore, the matter was not actually settled with the 1962 International Court of Justice decision and did not reemerge as a result of domestic politics in Thailand. Greater threats changed the behavior of both countries vis-à-vis the Preah Vihear Temple issue, creating the appearance that issue was actually settled. When those threats abated, the Preah Vihear issue resumed an important role in the relationship between Thailand and Cambodia. This thesis recognizes the importance of domestic political turmoil in Thailand arguing that it functioned as an accelerant on an already contentious issue.



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## TABLE OF CONTENTS

<b>I.</b>	<b>INTRODUCTION.....</b>	<b>1</b>
<b>A.</b>	<b>MAJOR RESEARCH QUESTION.....</b>	<b>1</b>
<b>B.</b>	<b>MAIN ARGUMENT.....</b>	<b>2</b>
<b>C.</b>	<b>METHODOLOGY .....</b>	<b>2</b>
<b>D.</b>	<b>IMPORTANCE.....</b>	<b>3</b>
<b>II.</b>	<b>ORIGINAL DISPUTE.....</b>	<b>11</b>
<b>A.</b>	<b>INTRODUCTION.....</b>	<b>11</b>
<b>B.</b>	<b>HISTORICAL FACTORS.....</b>	<b>11</b>
<b>C.</b>	<b>DOMESTIC POLITICAL FACTORS .....</b>	<b>16</b>
1.	Thailand.....	16
2.	Cambodia.....	18
<b>D.</b>	<b>STRATEGIC ENVIRONMENT .....</b>	<b>20</b>
<b>E.</b>	<b>CONCLUSION .....</b>	<b>26</b>
<b>III.</b>	<b>INTER-DISPUTE PERIOD.....</b>	<b>29</b>
<b>A.</b>	<b>INTRODUCTION.....</b>	<b>29</b>
<b>B.</b>	<b>DOMESTIC POLITICAL FACTORS .....</b>	<b>29</b>
1.	Thailand.....	30
2.	Cambodia.....	31
<b>C.</b>	<b>STRATEGIC ENVIRONMENT .....</b>	<b>33</b>
1.	Late 1960s to the late 1970s.....	34
2.	Late 1970s to the late 1980s.....	39
3.	Late 1980s to the late 1990s.....	43
<b>D.</b>	<b>CONCLUSION .....</b>	<b>47</b>
<b>IV.</b>	<b>RECENT DISPUTE: 1999–2011 .....</b>	<b>49</b>
<b>A.</b>	<b>INTRODUCTION.....</b>	<b>49</b>
<b>B.</b>	<b>HISTORICAL FACTORS.....</b>	<b>49</b>
<b>C.</b>	<b>DOMESTIC POLITICAL FACTORS .....</b>	<b>54</b>
1.	Thailand.....	54
2.	Cambodia.....	60
<b>D.</b>	<b>STRATEGIC ENVIRONMENT .....</b>	<b>62</b>
<b>E.</b>	<b>CONCLUSION .....</b>	<b>65</b>
<b>V.</b>	<b>CONCLUSION .....</b>	<b>67</b>
	<b>LIST OF REFERENCES.....</b>	<b>73</b>
	<b>INITIAL DISTRIBUTION LIST .....</b>	<b>79</b>

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## LIST OF ACRONYMS AND ABBREVIATIONS

ASEAN	Association of Southeast Asian Nations
CNS	Council on National Security
CPP	Cambodian People's Party
CGDK	Coalition Government of Democratic Kampuchea
DK	Democratic Kampuchea
FBIS	Foreign Broadcast Information Service
FUNCINPEC (French)	Front Uni National pour un Cambodge Indépendant, Neutre, Pacifique, et Coopératif (English) National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia
ICJ	International Court of Justice
JBC	Joint Boundary Commission
KPNLF	Khmer People's National Liberation Front
MOU	Memorandum of Understanding
NGO	Nongovernmental Organization
PAD	People's Alliance for Democracy
PPP	People's Power Party
PRC	People's Republic of China
PRK	People's Republic of Kampuchea
PTP	Puea Thai Party
ROC	Republic of China
RTA	Royal Thai Army
RTAF	Royal Thai Air Force
RTN	Royal Thai Navy

SEATO	Southeast Asian Treaty Organization
SOC	State of Cambodia
SRV	Socialist Republic of Vietnam
TRT	Thai Rak Thai
UDD	United Front for Democracy Against Dictatorship
UN	United Nations
UNSC	United Nations Security Council
UNESCO	United Nations Education, Scientific, and Cultural Organization
UNTAC	United Nations Transitional Authority in Cambodia
USSR	Union of Soviet Socialist Republics

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# **I. INTRODUCTION**

## **A. MAJOR RESEARCH QUESTION**

The Preah Vihear Temple is located near the border between the Kingdoms of Thailand and Cambodia. Since 1962, the temple legally belongs to Cambodia, but is currently the important element of a disagreement between the two countries. The territory immediately surrounding the temple is the subject of a border dispute between the governments of Thailand and Cambodia. Robert Mandel defines a border dispute as “...a violent or nonviolent conflict between two primary national antagonists over the demarcation of their shared boundary.”<sup>1</sup> Given that much of Thailand and Cambodia’s 798 kilometer border has not been properly demarcated, it begs the question: what is so important about this particular piece of territory?

Following Cambodia’s independence from Colonial France in November of 1953, both Thailand and Cambodia claimed Preah Vihear.<sup>2</sup> After bilateral negotiations failed to resolve the issue, Cambodia brought the case to the International Court of Justice (ICJ) in 1959, winning ownership of the temple in the 1962 decision. Recently, the Preah Vihear Temple issue resurfaced, occupying a prominent role in the relationship between the two countries. From late 2008 until mid-2011, sporadic military skirmishes resulted in the deaths of both Thai and Cambodian military personnel. As a result of the dispute, the Cambodian government has taken the issue back to the ICJ. At issue is the conflicting interpretation of the 1962 decision. The Cambodian government argues that the original ruling covered the territory surrounding Preah Vihear. The Thai side argues that the ruling only covered the temple itself. The major research question of this thesis is: *What are the causes of the Preah Vihear Temple dispute?*

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<sup>1</sup> Robert Mandel, "Roots of the Modern Interstate Border Dispute," *The Journal of Conflict Resolution* 24, no. 3 (Sep. 1980): 431.

<sup>2</sup> The Thai pronunciation “Pra Wihan” (พระวิหาร).



## **B. MAIN ARGUMENT**

This paper argues that the Preah Vihear Temple dispute is primarily a result of conflicting historical claims tied to the colonial legacy in Southeast Asia. Moreover, it argues that the dispute was not actually settled with the 1962 decision. It appeared to be settled only because the issue was eclipsed by more serious threats to each country. Those greater threats changed the behavior of both countries vis-à-vis the Preah Vihear Temple issue. At times, the two countries were inclined to compromise at Preah Vihear. At other times, Thailand had an incentive to not pursue territorial claims while the government of Cambodia was incapable of exercising control over its national territory. This thesis does not dismiss the importance of the recent domestic political turmoil in Thailand. It argues however, that Thailand's domestic political situation functioned as an accelerant on an already contentious issue that was never actually resolved.

## **C. METHODOLOGY**

This thesis examines the importance of three different factors in the Preah Vihear Temple dispute over different time periods. The first is the matter of conflicting historical claims. Analysts of territorial disputes usually consider the historical dimensions important, and some argue that they can be a causal mechanism of their own. The second is the role of domestic politics. Most analysts argue that the current dispute is the result of domestic political issues in both countries, but Thailand primarily. Specifically, leaders and political factions exaggerate the issue to appeal to the nationalist sentiments of their populations and gain political support. The third is the effect of the "strategic environment." Countries do not interact independent of the external environment. This thesis examines the dispute in the context of other events affecting Thailand and Cambodia.

The separate cases of this study are: the original dispute, the inter-dispute period, and the recent dispute. According to the current analysis on the Preah Vihear Temple issue, including scholarly sources and newspaper articles, the dispute was resolved in 1962 and reemerged in 2008 due to Thailand's domestic political problems. The dispute actually lingered for several years after the 1962 decision, and it also reemerged several

years prior to the 2008 escalation. As such, this paper follows a different timeline. The first case is the original dispute which began in 1953 and continued until 1966 when Thai and Cambodian military forces clashed at Preah Vihear. The second case is from 1968 until the Khmer Rouge surrender 1998. The third case is from 1999 to the present.

#### **D. IMPORTANCE**

This issue is an important topic in the study of Thai-Cambodian relations. In the recent case, the disagreement escalated to a militarized dispute, resulting in the death and injury of both Thai and Cambodian soldiers. While the issue has subsided for the time being, analysts of Thailand-Cambodia relations have expressed concern that this dispute could escalate further.<sup>3</sup> That concern is not without reason. Quantitative interstate conflict research demonstrates that territorial disputes are a leading cause of war. John Vasquez and Maria T. Henehan write, “[o]n the whole, territorial disputes also have a higher (conditional) probability of going to war than policy or regime disputes. They also account for the majority of wars.”<sup>4</sup> Large sections of the border have yet to be demarcated, and Thai and Cambodian troops have skirmished at other temples in disputed territory. Additionally, while military losses from 2008 to 2011 were limited, the dispute has disrupted the lives of a significant number of Thai and Cambodian noncombatants living in the border region.

The dispute between Thailand and Cambodia over the Preah Vihear Temple and surrounding territory also has implications for regional stability and the legitimacy of (Association of Southeast Asian Nations) ASEAN. Both countries are members of the organization.<sup>5</sup> In 2009, Amitav Acharya wrote that the Preah Vihear Temple dispute is “perhaps the most serious threat to ASEAN’s inter-mural peace.”<sup>6</sup> ASEAN did not exist

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<sup>3</sup> Pavin Chachavalpongpun, “Temple of Doom: Hysteria About the Preah Vihear Temple in the Thai Nationalist Discourse,” in *Legitimacy Crisis in Thailand: ed. Mark Askew* (Chiang Mai: Silkworm Books, 2010), 113.

<sup>4</sup> John Vasquez and Marie T. Henehan, “Territorial Disputes and the Probability of War, 1816–1992,” *Journal of Peace Research* 38, no. 2 (Mar. 2001): 123.

<sup>5</sup> ASEAN website, “ASEAN Member States,” <http://www.asean.org/18619.htm>.

<sup>6</sup> Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*, 2nd ed. (Milton Park, Abingdon, Oxon ; New York: Routledge, 2009), 155.

when the original dispute occurred. Now that bilateral negotiations have again proved ineffective, the current dispute represents an opportunity for the organization to help resolve the issue.

## **E. LITERATURE REVIEW**

In much of the contemporary literature, the Preah Vihear Temple dispute is included in the analysis of other issues such as domestic and regional politics. Additionally, most of the analysis is focused on the military clashes that occurred in 2008 and 2009. The analysts of both domestic and regional politics place most of the blame on the domestic political environment in each country. Specifically, in Thailand, political factions use the Preah Vihear issue to delegitimize their political opponents and gather support. In Cambodia, Prime Minister Hun Sen uses the issue to further consolidate his leadership. While there are inputs from both countries causing the Preah Vihear conflict, most of the analysis places more blame on the Thai side.

Pavin Chachavalpongpun, who has written a recent account of the dispute, writes that the People's Alliance for Democracy (PAD), composed of "a coalition of royalists, Bangkok elites, factions in the military and powerful business interests" seized on the Preah Vihear issue, for domestic political gain.<sup>7</sup> James Ockey presents a similar argument. He writes that Thai and Cambodian governments had come to an accord regarding the Preah Vihear Temple and that the disagreement did not begin until the People's PAD made it into a political issue. It was not, "...an irritant in Thai-Cambodian relations, until the PAD decided to take up the issue to gain nationalist support for its cause."<sup>8</sup> Another analyst of Thai politics, Kitti Prasirtsuk also writes, "...the dispute over the Preah Vihear Temple has reemerged, this time very much linked to domestic politics in both Thailand and Cambodia."<sup>9</sup>

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<sup>7</sup> Chachavalpongpun, "Temple of Doom: Hysteria About the Preah Vihear Temple in the Thai Nationalist Discourse," 83.

<sup>8</sup> Ockey, James. "Thailand in 2008: Democracy and Street Politics." *Southeast Asian Affairs* 2009 (2010), 320.

<sup>9</sup> Kitti Prasirtsuk, "Thailand in 2008: Crisis Continued,." *Asian Survey*, Vol. 49, Issue 1, (2009), 183.

On the Cambodian side, the Preah Vihear Temple dispute is also included in the analysis of domestic politics. Authors argue that Cambodian Prime Minister Hun Sen uses the dispute to appeal to the nationalism of the Cambodian people. According to Carlyle Thayer, the explanation for Cambodia's behavior is the fact that the United Nations Education, Scientific, and Cultural, Organization (UNESCO) listing and ensuing fallout occurred in an election year. While Hun Sen manipulated and benefited from the issue, he was in part compelled to respond to the Thai deployment of troops by sending Cambodian military forces to Preah Vihear.<sup>10</sup> Caroline Hughes presents a similar argument and adds that the military elite of Cambodia benefit from the controversy as they can claim more territory for their forces and lobby for a larger share of Cambodia's budget.<sup>11</sup>

Analysts who discuss the Preah Vihear Temple issue, as it relates to regional or inter-ASEAN politics, also credit domestic political problems as the cause. Amitav Acharya discusses the portion of the territory surrounding Preah Vihear that is still in dispute. He writes that factions within Thailand used the issue to attack the Samak administration while Cambodia leader Hun Sen provoked nationalism for his own gain.<sup>12</sup> Donald Weatherbee and Catharine Dalpino present similar arguments.<sup>13</sup>

While the Preah Vihear Temple issue is linked to the domestic politics in each country, this thesis evaluates the role of domestic politics at different points in the dispute. It examines the domestic political situations in each country when Preah Vihear was a subject of dispute in the 1950s and 1960s and most recently. Additionally, this thesis briefly surveys periods of time when domestic political turmoil did not lead to conflict or dispute over Preah Vihear.

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<sup>10</sup> Carlyle A. Thayer, "Cambodia: The Cambodian People's Party Consolidates Power," *Southeast Asian Affairs* 2009 (2010): 92.

<sup>11</sup> Caroline Hughes, "Cambodia in 2008: Consolidation in the Midst of Crisis," *Asian Survey* 49, no. 1, (Jan/Feb 2009): 212.

<sup>12</sup> Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*, 185.

<sup>13</sup> Donald E. Weatherbee, *International Relations in Southeast Asia: The Struggle for Autonomy*. Asia in World Politics; Variation: Asia in World Politics. 2nd ed. Lanham, Md: Rowman & Littlefield Publishers, 2009; Catharin Dalpino, "Southeast Asia in 2008: Challenges within and without," *Southeast Asian Affairs* 2009 (2010): 10.

History is an important theme in the territorial dispute literature. Andrew Burghardt argues that history comprises the emotional aspect. He observes, “[n]ations have a distressing tendency to remember in detail all the grandeurs of the past...[and]... “[p]roblems arise when claims clash.”<sup>14</sup> Adam Murphy argues that historical reasons have become the primary justification for territorial struggles in many places throughout the world writing, “[t]erritorial disputes unfold amidst a discourse of justification based on ambiguities in the historical record.”<sup>15</sup> These concepts seem readily applicable to the Preah Vihear Temple dispute.

Most analysts of the current dispute make brief mention of the historical dimensions. Some include a description of the circumstances surrounding the 1962 ICJ decision but do not explain what lead to the dispute in the first place. Kitti Prasirtsuk writes that “Thailand and Cambodia had bitterly disputed rights to the temple in the 1950s...”<sup>16</sup> He concludes that Thailand grudgingly accepted the decision. James Ockey also describes the early dispute as bitter and argues that many Thais did not accept the decision. Chachavalpongpun’s work is an exception in that he provides more detail on the historical roots of the dispute. He writes, “...the temple is located in disputed territory, sitting on top of colonial landmines that have been waiting to explode.”<sup>17</sup> This thesis seeks to build on the historical details provided in his account.

Prior to the arrival of colonial France, Thailand and Vietnam vied for control over the territory that is now Cambodia. When colonial France established colonies adjacent to Thailand, it claimed territory that was within the Thai sphere of influence. Many in Thailand consider several Cambodian provinces Thailand’s “lost” territory.<sup>18</sup> Tongchai Winichakul and Shane Strate maintain that the theme of loss is important to the identity

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<sup>14</sup> Andrew F. Burghardt, "The Bases of Territorial Claims," *Geographical Review* 63, no. 2 (Apr. 1973): 232.

<sup>15</sup> Alexander B. Murphy, "Historical Justifications for Territorial Claims," *Annals of the Association of American Geographers* 80, no. 4 (Dec. 1990): 537.

<sup>16</sup> Prasirtsuk, *Thailand in 2008: Crises Continued*, 177.

<sup>17</sup> Chachavalpongpun, "Temple of Doom: Hysteria About the Preah Vihear Temple in the Thai Nationalist Discourse," 85.

<sup>18</sup> David K. Wyatt, *Thailand: A Short History*, 2nd ed. (New Haven, Conn: Yale University Press, 2003), 193.

of the Thai people. Strate argues that the theme of loss was a central narrative when the nationalist Phibun Songkram government attacked Colonial France's holdings in Indochina (now Cambodia) during World War II. In the minds of the Thai leadership, they were reclaiming the lost territories.

After World War II, the Thai government was forced to surrender the once lost but regained territories back to Colonial France. Those territories were "lost" once again, an experience that was quite traumatic for the leaders of Thailand.<sup>19</sup> After Cambodia gained independence from France in 1953, the Thai leaders believed that Preah Vihear belonged to Thailand. When Thailand lost the world court decision, the wound of "loss" was reopened. According to Chachavalpongpun, the loss of Preah Vihear to Cambodia was particularly painful because it was a loss to a weaker nation that used to be its protectorate.<sup>20</sup>

This history of the matter helps explain why the dispute was so acrimonious and why many in Thailand had such a hard time accepting the decision. L.P. Singh, shortly after the ICJ decision, writes that the verdict sparked outrage in Thailand.<sup>21</sup> Shane Strate, who describes the widespread anger in Thailand, writes that the Thai Generals threatened to fight to the death over Preah Vihear.<sup>22</sup> While the Thai government did not go to war over the temple, ample evidence exists to demonstrate that it did not accept the decision in good faith. The opinion in Cambodia, however, was different. According to Alexander Hinton, the Cambodian people believed the Preah Vihear Temple and surrounding territory rightfully belonged to Cambodia. The ICJ decision represented a great victory over a neighbor that has historically mistreated and dominated them.<sup>23</sup> The history also relates to another theme, which is the importance of Cambodia's archeological heritage.

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<sup>19</sup> Shane Strate, *"The Lost Territories: The Role of Trauma and Humiliation in the Formation of National Consciousness in Thailand"* (PhD diss., University of Wisconsin Madison, 2009).

<sup>20</sup> Chachavalpongpun, *Temple of Doom*, 87.

<sup>21</sup> L. P. Singh, "The Thai-Cambodian Temple Dispute," *Asian Survey* 2, no. 8 (Oct. 1962): 25.

<sup>22</sup> Strate, *The Lost Territories: The Role of Trauma and Humiliation in the Formation of National Consciousness in Thailand*, 237–238.

<sup>23</sup> Alexander Hinton, "Khmerness and the Thai 'Other': Violence, Discourse and Symbolism in the 2003 Anti-Thai Riots in Cambodia," *Journal of Southeast Asian Studies* 37, no. 3 (Oct 2006): 445.

According to Hinton, when France replaced Thailand (and Vietnam) as the dominant power in Cambodia, the colonial administrators sought to cultivate a sense of Cambodian national identity. To do so, they preserved and promoted Cambodia's ancient temples, most notably Angkor Wat.<sup>24</sup> Cambodia's ancient temples became an important part of Cambodia's national character and culture. According to Caroline Hughes, exploitation of Cambodia's archaeological heritage is a common tactic of the ruling party.<sup>25</sup> David Chandler also links nationalism in Cambodia to archaeological heritage. In his analysis, the current Preah Vihear Temple dispute is a resurfacing of the tension associated with the 2003 anti-Thai riots in Phnom Penh.<sup>26</sup> The riots occurred when the Cambodian press erroneously reported that a popular Thai actress claimed that Angkor Wat (Cambodia's national symbol) should belong to Thailand.

On both the Thai and Cambodian sides, the Preah Vihear Temple issue seems to evoke an emotional response. Some in Thailand react emotionally to the threat of losing territory. Some in Cambodia react emotionally to threats to their national heritage. It is possible that this factor is independent of the particular domestic political situation in each country and salient enough to cause conflict. However, the history is constant and the dispute is not.

As with any international relationship, Thailand and Cambodia relations do not exist in a vacuum. In a quantitative analysis of territorial disputes, Paul Huth found that "the international strategic environment..." is an important factor in the disputing countries' behavior.<sup>27</sup> Caroline Hughes touches on a similar idea in her work on Cambodian domestic politics. She writes of the temple dispute, "[f]or decades the issue was largely moot, since the area was cut off by warfare, landmines, and destruction of

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<sup>24</sup> Hinton, *Khmerness and the Thai 'Other': Violence, Discourse and Symbolism in the 2003 Anti-Thai Riots in Cambodia*, 446.

<sup>25</sup> Caroline Hughes, "Cambodia in 2008: Consolidation in the Midst of Crisis," *Asian Survey* 49, no. 1 (Jan/Feb 2009): 206.

<sup>26</sup> David Chandler, "Cambodia in 2009: Plus C'Est La Même Chose," *Asian Survey* 50, no. 1 (Jan/Feb 2010): 233.

<sup>27</sup> Paul K. Huth, *Standing Your Ground: Territorial Disputes and International Conflict* (Ann Arbor: University of Michigan Press, 1996), 184.

infrastructure; but since 2003, it has been accessible again, raising once more the issue of ownership.”<sup>28</sup> Her analysis indicates that the *strategic environment* prevented conflict over Preah Vihear.

The Thai government was concerned with the advance of communism in the countries they shared borders with, as well as in their own country, from the mid-1960s through the late 1970s. David Wyatt writes that “the situation in Indochina looked increasingly threatening to Thailand and the United States,” as the war in Vietnam was spreading to Laos and Cambodia.<sup>29</sup> He adds that later, Thailand was facing a domestic communist insurgency that corresponded with the (United States) U.S. departure from the region and was a “major security crisis” for Thailand.<sup>30</sup>

Cambodia, Laos and South Vietnam were all taken over by communist forces in 1975. In 1978, a unified Vietnam invaded Cambodia and overthrew the Khmer Rouge, establishing a puppet government.<sup>31</sup> According to Sukhumbhand Paribatra, the majority of Thais considered Vietnam’s presence in Cambodia a threat to Thailand’s security.<sup>32</sup> According to Leszek Buszynski, until the termination of the Cambodian conflict in the late 1980s, security dominated Thailand’s foreign policy.<sup>33</sup> In the strategic environment of the inter-dispute period, both countries had other security concerns.

Even after the end of the cold war and the resolution of the Vietnamese occupation of Cambodia, the Cambodian government was not able to exercise effective control of their territory. Alexander Hinton writes that the Khmer Rouge guerillas held

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<sup>28</sup> Caroline Hughes, "Cambodia in 2009: The Party's Not Over Yet," *Southeast Asian Affairs* 2010 (2011): 95.

<sup>29</sup> David K. Wyatt, *Thailand: A Short History*, 2nd ed. (New Haven, Conn: Yale University Press, 2003), 278.

<sup>30</sup> *Ibid.*, 280.

<sup>31</sup> Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*, 2nd ed. (Milton Park, Abingdon, Oxon; New York: Routledge, 2009), 104.

<sup>32</sup> Sukhumbhand Paribatra, "Strategic Implications of the Indochina Conflict: Thai Perspectives," *Asian Affairs* 11, no. 3 (Fall 1984): 33–34.

<sup>33</sup> Leszek Buszynski, "Thailand's Foreign Policy: Management of a Regional Vision," *Asian Survey* 34, no. 8 (Aug. 1994): 721.



the temple from 1993 until 1998.<sup>34</sup> The government of Cambodia did not assume control of the temple until the Khmer Rouge surrendered in 1998. Thus, the government of Cambodia was not able to actually exercise effective control over the temple until this time.

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<sup>34</sup> Hinton, *Khmerness and the Thai 'Other': Violence, Discourse and Symbolism in the 2003 Anti-Thai Riots in Cambodia*, 460.

## **II. ORIGINAL DISPUTE**

### **A. INTRODUCTION**

This chapter argues that the original Preah Vihear Temple dispute was a result of a combination of conflicting historical claims and the strategic environment. The first section outlines the history of Thailand and Cambodia as it relates to the Preah Vihear Temple issue and concludes that conflicting historical claims were a very important element but not sufficient on their own to explain the dispute. The second section discusses the domestic political situation within each country. It argues that though Preah Vihear was an important domestic political issue, the dispute was a result of legitimate foreign policy concerns among leaders in each country. The third section argues that the strategic environment was responsible for the escalation of the dispute, but was also responsible, in large part, for the ostensible resolution. The final section is a summary of the first three sections and concludes that the dispute was not actually resolved with the 1962 ICJ decision.

### **B. HISTORICAL FACTORS**

Underlying the Preah Vihear dispute and Thai-Cambodian relations in general is the fact that Thais and Cambodians can each make a plausible claim to much of the same territory. A map proudly displayed outside the Cambodian tourist center in Phnom Penh during the early 1960s showed that the Khmer Empire at its peak (1,000 years prior) was comprised of much of mainland Southeast Asia, including Thailand.<sup>35</sup> Thai maps widely circulated during the Phibun Songkram nationalist era, and influential ever since, depict much of Cambodia as Thai territorial “losses” during the colonial era.<sup>36</sup> The Preah Vihear Temple dispute can be seen in this context, but there is a more acute and direct cause. Specifically, Preah Vihear sits on the Thai-Cambodian border that was

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<sup>35</sup> M. L. Manich Jumsai, *History of Thailand & Cambodia, from the Days of Angkor to the Present* (Bangkok: Chalermnit, 1987), 12.

<sup>36</sup> Thongchai Winichakul, *Siam Mapped: A History of the Geo-Body of a Nation*, Paperback ed. (Honolulu: University of Hawaii Press, 1997), 150.

ambiguously demarcated by colonial era treaties. Consequently, both countries had reasonable claims to the temple. As noted in the introduction, “problems arise when claims clash.”

By the mid-19th century the Khmer empire had almost disappeared, most of its former territory incorporated by Cambodia’s neighbors, Siam (present day Thailand) and Vietnam. It was on the verge of being completely subsumed when France established its colony in Indochina (present day Vietnam, Laos and Cambodia). This preserved Cambodia as a separate entity, which would allow it to become a free and independent country in the future.<sup>37</sup> In preserving Cambodia, France necessarily limited Siamese expansion.<sup>38</sup> Different versions of maps published in Thailand show Thailand’s “lost” territories. Thailand’s “losses,” in what is now Cambodia, began with the establishment of the French protectorate in 1863.<sup>39</sup>

The borders of Thailand and the French colony developed over the next several decades. Thailand and colonial France signed multiple treaties from 1863 until 1907. Most of them occurred under circumstances that Siam’s leaders, at the time, would have considered less than fair. In 1867, France recognized Battambang and Siem Reap (location of Angkor Wat) as part of Siam.<sup>40</sup> In 1893, French and Siamese forces clashed in what is modern day Laos. The conflict culminated with a French naval blockade of Bangkok. In the treaty that followed, Siam renounced all territory east of the Mekong River.<sup>41</sup>

The original dispute over Preah Vihear can be traced to the 1904 and 1907 Franco-Siam treaties that established the border between northern and eastern Siam, and

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<sup>37</sup> Khien Theeravit, "Thai-Kampuchean Relations: Problems and Prospects," *Asian Survey* 22, no. 6, Southeast Asia: Perspectives from ASEAN (Jun. 1982): 561.

<sup>38</sup> At the time, Thailand was referred to as Siam by outsiders. Phibun Songkram changed it to Thailand in 1939. David K. Wyatt, *Thailand: A Short History*, 2nd ed. (New Haven, Conn: Yale University Press, 2003), 243.

<sup>39</sup> Wyatt, *Thailand: A Short History*, 163.

<sup>40</sup> Jumsai, *History of Thailand & Cambodia, from the Days of Angkor to the Present*, 176–178.

<sup>41</sup> Wyatt, *Thailand: A Short History*, 188–189.

French-controlled Cambodia.<sup>42</sup> The treaty provided for the watershed in the Dangrek Mountains as the boundary between Thai and French colonial territory. French officers were responsible for surveying the area.<sup>43</sup> Preah Vihear stood on the Thai side of the watershed. It resides on a cliff that is Thai territory, according to the text of the treaty, overlooking the plain below which is Cambodian territory. However, the French surveyors departed from the natural topography and placed Preah Vihear in Cambodian territory on the map that they produced, arbitrarily it seems.<sup>44</sup> In 1975, local legend held that the cartographer who produced the map was under the influence of champagne and distracted by local girls when he created it. As a result, his pencil slipped, accidentally placing the temple in Cambodian territory on the map.<sup>45</sup> In any case, Siamese officials did not actually learn of the discrepancy between the treaty language and French map until they conducted their own survey of the area in 1934.<sup>46</sup> This discrepancy was the most direct historical cause of the Preah Vihear Temple dispute.

The outbreak of World War II resulted in a temporary shift in the border between Thailand and the French Colonial administration. Thai leader Phibun Songkram changed the name of Siam to “Thailand” in 1939 and France signed a nonaggression pact in 1940; the French also agreed to “return” some of Thailand’s claimed territory.<sup>47</sup> However, France fell to Germany and the new Vichy government did not honor the agreement. The Thai government decided to take the territory by force. Thailand and the French colonial authority in Cambodia went to war in 1940 until early 1941.<sup>48</sup> To resolve the conflict, Imperial Japan compelled France to seek a settlement that included the transfer of much

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<sup>42</sup> Jumsai, *History of Thailand & Cambodia, from the Days of Angkor to the Present*, 213–215.

<sup>43</sup> Shane R. Strate, *The Lost Territories: The Role of Trauma and Humiliation in the Formation of National Consciousness in Thailand*, (2009), 211.

<sup>44</sup> Strate, *The Lost Territories: The Role of Trauma and Humiliation in the Formation of National Consciousness in Thailand*, 211.

<sup>45</sup> “Cambodia and Thailand; The centre of the world falls,” *The Economist*, May 31, 1975, 41.

<sup>46</sup> Strate, *The Lost Territories: The Role of Trauma and Humiliation in the Formation of National Consciousness in Thailand*, 211.

<sup>47</sup> E. Thadeus Flood, “The 1940 Franco-Thai Border Dispute and Phibuun Sonkhraam's Commitment to Japan,” *Journal of Southeast Asian History* 10, no. 2 (Sep. 1969): 310.

<sup>48</sup> Wyatt, *Thailand: A Short History*, 245.

of western Cambodia to Thai control.<sup>49</sup> The peace treaty that France and Thailand signed in March of 1941 returned the Cambodian provinces to Thailand, with the exception of Angkor Wat, which remained in Cambodian control.<sup>50</sup>

At the conclusion of WWII, the French moved to reclaim its colonial territories. The contested Cambodian provinces were still important to the Thai elites and they did not want to relinquish them.<sup>51</sup> Unfortunately (for the Thai government), the French government held a seat on the United Nations Security Council (UNSC), and leveraged its position to reclaim its colonial holdings.<sup>52</sup> The treaty of Washington in 1946 returned the border to its prewar status.<sup>53</sup> This was devastating to the leaders and people of Thailand. They were left with little choice, however, given the circumstances of Thailand's alignment with Imperial Japan and France's alignment with the allied powers.

The return to the prewar status placed Preah Vihear back in French territory, but it would soon become an issue. The Thai government sent caretakers to the temple as early as 1949, ignoring French requests to vacate it.<sup>54</sup> The temple was evidently not very important to the French colonial authorities who were trying to maintain control over Indochina, fighting against the nationalist Vietminh. When Cambodia achieved independence from France on November 9, 1953, its leader Norodom Sihanouk pursued the issue.<sup>55</sup> In February 1954, the Cambodian government began to send correspondence to the Thai government regarding the presence of Thai nationals occupying the temple.<sup>56</sup> The issue remained unresolved but seemed unimportant. Shortly thereafter, the dispute erupted.

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<sup>49</sup> David P. Chandler, *The Tragedy of Cambodian History: Politics, War, and Revolution since 1945* (New Haven: Yale University Press, 1991), 203–204.

<sup>50</sup> Jumsai, *History of Thailand & Cambodia, from the Days of Angkor to the Present*, 204.

<sup>51</sup> Theeravit, *Thai-Kampuchean Relations: Problems and Prospects*, 564.

<sup>52</sup> Norman G. Owen, *The Emergence of Modern Southeast Asia: A New History* (Honolulu, Hawaii: University of Hawaii Press, 2005), 356.

<sup>53</sup> Michael Leifer, "Cambodia and Her Neighbours," *Pacific Affairs* 34, no. 4 (Winter 1961): 362.

<sup>54</sup> Michael Leifer, *Cambodia: The Search for Security* (New York: Praeger, 1967), 85–86.

<sup>55</sup> "CIA World Factbook: Cambodia," <https://www.cia.gov/library/publications/the-world-factbook/geos/cb.html> (accessed Nov. 1, 2010).

<sup>56</sup> Leifer, *Cambodia: The Search for Security*, 86.

Though the Thai government had effective control of Preah Vihear as early as 1949, it seemed to formally assert sovereignty over the temple in 1956. After building a border police station at the site of the temple, officials raised the Thai flag at the Preah Vihear Temple.<sup>57</sup> This is when Sihanouk formally protested and began to pursue the issue. Leaders in Thailand cited the fact that the temple fell on the Thai side of the watershed, according to the language of the 1904 treaty. Leaders in Cambodia argued that because the maps associated with the treaty placed the temple in Cambodia, it belonged to the Cambodian government.<sup>58</sup> The two countries engaged in bilateral negotiations until 1958, making no headway. In 1959 Cambodia broke diplomatic relations and took the issue to the ICJ.<sup>59</sup> In 1962, the court ruled that the temple belonged to Cambodia.<sup>60</sup> The court based its ruling, in large part, on the maps produced by French colonial authorities in 1907 that depicted Preah Vihear in Cambodian territory. Because the Thai government did not challenge the accuracy of the maps when it received them in 1908 or at any point later, the court found that the Thai government had implicitly accepted them.<sup>61</sup> Additionally, it ruled that French officials had practiced various acts of sovereignty over the years that were not challenged by the Thai government; moreover, the Thai government had not practiced acts of sovereignty during the same period. The watershed issue was actually ruled irrelevant.

The original dispute was a result of the conflicting historical claims captured in treaty documents from five decades prior. Each side had documents supporting its claim to the temple. The two claims were irreconcilable. However, the discrepancy existed for several years before actually erupting into a diplomatic crisis between Thailand and Cambodia. What triggered the dispute was the Thai government's buildup at the border

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<sup>57</sup> Leifer, *Cambodia and Her Neighbors*, 365.

<sup>58</sup> Ibid.

<sup>59</sup> Jumsai, *History of Thailand & Cambodia, from the Days of Angkor to the Present*, 215.

<sup>60</sup> "International Court of Justice: Temple of Preah Vihear (Cambodia v. Thailand)," <http://www.icj-cij.org/docket/index.php?sum=284&code=ct&p1=3&p2=3&case=45&k=46&p3=5> (accessed Sep. 11, 2011).

<sup>61</sup> Brian Taylor Sumner, "Territorial Disputes at the International Court of Justice," *Duke Law Journal* 53, no. 6 (Apr. 2004): 1796.

leading to what appeared to be a formal claim on the temple. This will be addressed in more detail during the strategic environment section. The next section will discuss the role domestic politics played in the original Preah Vihear dispute.

## **C. DOMESTIC POLITICAL FACTORS**

### **1. Thailand**

Thailand was dealing with power struggles at the elite level during the time leading up to the Preah Vihear Temple dispute. Prime Minister Phibun Songkram fended off two coup attempts by former leader Pridi Banomyong. The second attempt, in 1951, resulted in intense fighting between the Navy on one side, and the Army, Police and eventually the Air Force on the other. Royal Thai Navy (RTN) sailors apprehended Phibun and held him captive onboard a combatant vessel. After the fighting broke out, the Thai Air Force intervened and sank three Navy ships, including the one Phibun was held on. He escaped by swimming to shore.<sup>62</sup> Phibun was driven into exile by Field Marshall Sarit Thanarat in 1957. Sarit used the issue of U.S. influence in Thailand to rally nationalist support prior to his coup d'état against Phibun.<sup>63</sup> While Sarit was in charge, he appointed two acting Prime Ministers before taking formal control in 1958 and ruling as a military dictator. He would lead Thailand until his death in 1963. Sarit believed in “benevolent despotism” but was also cognizant of “the need of [sic] popular support.”<sup>64</sup>

It would seem that amidst these power struggles, the Preah Vihear Temple could have been used by rival politicians to rally domestic support. This does not appear to have been the case. At the elite level, as well as among the Thai population, there seemed to be unanimity that the Thai government should pursue Thailand's claims to the Preah Vihear Temple. Thailand was essentially a unitary actor in this case. One Thai Member of Parliament was an exception. He suggested just handing Preah Vihear over in the interest of international relations and trade. This politician was widely denounced and

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<sup>62</sup> Lennox A. Mills, *Southeast Asia; Illusion and Reality in Politics and Economics* (Minneapolis: University of Minnesota Press, 1964), 100–101.

<sup>63</sup> L. P. Singh, "Thai Foreign Policy: The Current Phase," *Asian Survey* 3, no. 11 (Nov. 1963): 543.

<sup>64</sup> Mills, *Southeast Asia; Illusion and Reality in Politics and Economics*, 102–103.

Thai newspapers accused him of “...wanting to sell out his country.”<sup>65</sup> His was a rare view and did not represent any kind of power struggle.

Observers of Thai politics argue that nationalism and defense of territorial integrity are strongest at the elite level. Lennox Mills writes, “[n]ationalism pervades every stratum of society, although it is strongest in the ruling class.”<sup>66</sup> Of Thai foreign policy in general, Panitan Wattanayagorn writes: “[f]or the Thai elite, maintaining independence, sovereignty, and territorial integrity is considered the central security objective.”<sup>67</sup> In this light, the Preah Vihear Temple dispute reflected the legitimate foreign policy concerns of leaders in Thailand.

The political elite were not the only force acting in the dispute. The Thai population and media organizations pressured Thai leaders to act. For example, when the Cambodian government brought the case before the ICJ, there was public outcry in Thailand. Grass roots campaigners called for donations to aid Thailand’s legal case. The Thai government set up a special committee to handle the donations, but this was in reaction to something the population came up with on its own.<sup>68</sup>

When the ICJ released its judgment on Preah Vihear, it sparked outrage at all levels in Thailand. Thai leaders decried the decision while students demonstrated throughout the country. Thamasaat University withdrew Norodom Sihanouk’s honorary degree.<sup>69</sup> However, after a short period of deliberation, Prime Minister Sarit stated that

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<sup>65</sup> Strate, *The Lost Territories: The Role of Trauma and Humiliation in the Formation of National Consciousness in Thailand*, 227–228.

<sup>66</sup> Mills, *Southeast Asia; Illusion and Reality in Politics and Economics*, 104.

<sup>67</sup> Panitan Wattanayagorn, “Thailand: The Elite’s Shifting Conceptions of Security,” in *Asian Security Practice: Material and Ideational Influences*, ed. Muthiah Alagappa (Stanford: Stanford University Press, 1998), 422–423.

<sup>68</sup> Strate, *The Lost Territories: The Role of Trauma and Humiliation in the Formation of National Consciousness in Thailand*, 229–232.

<sup>69</sup> L. P. Singh, “The Thai-Cambodian Temple Dispute,” *Asian Survey* 2, no. 8 (Oct. 1962): 25.



Thailand would abide by the court ruling.<sup>70</sup> While his decision was contrary to the wishes of the Thai people, no rival political entities emerged to make an issue of the way he handled it.

Exploitation of the issue in Thailand by political leaders does not appear to be responsible for Thailand's behavior. The issue was important at all levels of Thai society, but there is no indication that political leaders used it to rally political support against another faction, despite the fact that at least one leader had used other foreign policy issues for domestic political gain. This was most likely because there was no real difference in opinion on how the issue should be handled. There was virtual unanimity on the righteousness of Thailand's case.

## **2. Cambodia**

Cambodia entered the Preah Vihear Temple dispute from a different place in the international system. It did not achieve independence until 1953. However, within two years, Norodom Sihanouk, the leader of Cambodia, had consolidated his leadership by neutralizing his political opposition and fending off coup d'état attempts. David Chandler writes, "[c]ompared with what came later and what had gone before, the years 1955–1965 constituted a kind of golden age."<sup>71</sup> As was the case with Thailand, the Preah Vihear issue was an important domestic political issue and a legitimate foreign policy issue.

Though Sihanouk had successfully consolidated his leadership and did not face any credible internal challengers, the Preah Vihear issue did present Sihanouk with a domestic political opportunity. He prized consensus and according to David Chandler, "...treated election campaigns as ways of obtaining 100 percent approval."<sup>72</sup> The Preah Vihear Temple dispute occurred soon after Sihanouk's abdication as King of Cambodia

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<sup>70</sup> L. P. Singh, "The Thai-Cambodian Temple Dispute," *Asian Survey* 2, no. 8 (Oct. 1962): 25.

<sup>71</sup> David P. Chandler, *The Tragedy of Cambodian History: Politics, War, and Revolution since 1945*, 89.

<sup>72</sup> *Ibid.*, 119.

and his entrance into Cambodian politics as a quasi-private citizen.<sup>73</sup> According to one historian, during the dispute, “[i]n March 1958, thousands of students, policemen, and civil servants marched past the Thai embassy in Phnom Penh to protest a perceived lack of respect from Thailand.”<sup>74</sup> It made sense for Sihanouk to take a hard-line stance on Preah Vihear, given his desire for 100 percent approval and how the issue seemed to resonate with so many Cambodians.

Arguably, Sihanouk did have some personal political interest in pursuing the issue. He could use the Preah Vihear Temple dispute to distance himself from his former colonial patrons.<sup>75</sup> He had been placed on the Cambodian throne by French officials after his father died in 1941.<sup>76</sup> He was, thus, closely identified with the French authorities in Cambodia. After gaining independence from France in 1953, the Preah Vihear Temple dispute represented an opportunity for Sihanouk to deflect attention from his former benefactors and shift Cambodian nationalism toward its historical adversary, the aggressive and expansionist Thailand.<sup>77</sup> While Sihanouk did have some domestic political incentive to pursue the Preah Vihear Temple case, he had legitimate foreign policy concerns as well.

Noting Cambodia’s precarious position in Southeast Asia, one analyst argues that Sihanouk’s foreign policy decisions at the time had much to do with legitimate threats to Cambodia’s sovereignty. He wanted “...to preserve the existence of Cambodia as an identifiable, and hopefully, independent, national entity.”<sup>78</sup> Cambodia had to work hard to achieve independence from France. It was completely rational that Sihanouk would seek to protect Cambodian sovereignty. Cambodia faced challenges from Thailand, and North and South Vietnam. After all, the government of Thailand had taken provinces in

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<sup>73</sup> Jumsai, *History of Thailand & Cambodia, from the Days of Angkor to the Present*, 215.

<sup>74</sup> Strate, *The Lost Territories: The Role of Trauma and Humiliation in the Formation of National Consciousness in Thailand*, 217.

<sup>75</sup> Ibid., 229–220.

<sup>76</sup> Owen, *The Emergence of Modern Southeast Asia: A New History*, 365.

<sup>77</sup> Strate, *The Lost Territories: The Role of Trauma and Humiliation in the Formation of National Consciousness in Thailand*, 220.

<sup>78</sup> Bernard K. Gordon, "Cambodia: Where Foreign Policy Counts," *Asian Survey* 5, no. 9 (Sep. 1965): 447.

western Cambodia, by force, only two decades earlier in what was a traumatic issue for Sihanouk's father. Sihanouk's rhetoric during the crisis included talk of Thailand's intentions to annex portions of Cambodia.<sup>79</sup> It was not unreasonable to consider Thai threats to Cambodia's sovereignty bearing in mind how recently the Thais occupied Cambodia and how reluctantly they relinquished control.

After his decision to confront the Thai government over Preah Vihear, it made sense for Sihanouk to take the case to the ICJ. This choice provided Cambodia the opportunity to engage Thailand in a more favorable setting, as Cambodia was the weaker country. Though the reaction in Thailand to the "internationalization" of the dispute was negative, this was somewhat hypocritical. The Thai government chose a similar strategy in the wake of World War II. It tried (unsuccessfully) to petition the United Nations to adjudicate its dispute with France regarding the "lost" territories.<sup>80</sup> Sihanouk was merely using the same tactic, which was to appeal to the United Nations (UN) and international community due to the fact that Cambodia could not resolve the issue on its own.

While Sihanouk may have had some incentive to pursue the Preah Vihear Temple case, it was a legitimate foreign policy issue for Cambodia. The Thai government claimed Preah Vihear, and had Sihanouk not contested it in the manner he did, Cambodia would likely not have been able to reclaim it. Of course, it did not have to be a zero-sum issue; it is possible that the two countries could have shared management of the temple. However, the strategic environment made that unlikely.

#### **D. STRATEGIC ENVIRONMENT**

The behavior of the Thai and Cambodian governments had much to do with their alignment as the Cold War developed. Specifically, the two countries were drawn into separate blocs. It may be more accurate to say that the two countries were simply not in the same camp. Due to its fear of the spread of communism in Southeast Asia, and the

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<sup>79</sup> Michael Leifer, "Cambodia: The Politics of Accommodation," *Asian Survey* 4, no. 1, A Survey of Asia in 1963: Part I (Jan. 1964): 674.

<sup>80</sup> Strate, *The Lost Territories: The Role of Trauma and Humiliation in the Formation of National Consciousness in Thailand*, 184.

Thai government's fear of communism, Thailand aligned with the Western anti-communist powers led by the United States. Cambodia, fearful of losing its sovereignty, walked a tightrope between the powers active in Southeast Asia. It adopted a policy of neutrality but maintained relationships with communist countries, including the PRC. This would have implications for the Preah Vihear Temple dispute.

The Cold War relationship between the U.S. and Thailand began in the wake of World War II. France and the United Kingdom moved to retake their respective colonial territories as well as impose other penalties upon Thailand for its alliance with Imperial Japan. The U.S. took a more conciliatory approach, working on Thailand's behalf. According to David Wyatt, "...the U.S. State Department consistently was an advocate for Thailand against the British."<sup>81</sup> While close to the U.S., Thai leader Pridi Banomyong was also aligned with the various freedom movements in Southeast Asia that placed him at odds with U.S. allies. The Thai government initially supported the anti-colonial freedom forces throughout Southeast Asia, including those in Vietnam and Cambodia. In Vietnam's fight for independence from France, the Thai government was a supporter of Ho Chi Minh's Vietminh forces.<sup>82</sup> However, when Phibun Songgram returned to power in the late 1940s as an anti-communist, he moved Thailand decisively into the Western camp.<sup>83</sup> As an indication of the relationship between Thailand and the U.S., Phibun's government contributed 4,000 troops to the fight on the Korean Peninsula.<sup>84</sup>

Cambodia achieved independence from France in 1953. The process began after WWII and occurred peacefully, for the most part. However, French troops remained in Cambodia until 1954 to combat communist forces that were receiving assistance from the Vietnamese.<sup>85</sup> After Cambodia gained independence, the Thai government, under

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<sup>81</sup> Wyatt, *Thailand: A Short History*, 251.

<sup>82</sup> Sukhumbhand Paribatra, "Strategic Implications of the Indochina Conflict: Thai Perspectives," *Asian Affairs* 11, no. 3 (Fall 1984): 31.

<sup>83</sup> Theeravit, *Thai-Kampuchean Relations: Problems and Prospects*, 564.

<sup>84</sup> Ganganath Jha, *Foreign Policy of Thailand* (New Delhi: Radiant Publishers, 1979), 37.

<sup>85</sup> Owen, *The Emergence of Modern Southeast Asia: A New History*, 366.

Phibun, immediately established diplomatic relations.<sup>86</sup> In spite of starting off on the right foot, the relationship took a turn for the worse quickly thereafter. Up until this point, Preah Vihear had not emerged as a significant issue.

The Thai and Cambodian governments responded to the changing strategic environment in different ways. The Thai government embraced the Western anti-communist block, whereas the Cambodian government rejected it. In 1954, Thailand became a founding member of the Southeast Asia Treaty Organization (SEATO) when it was formed after the defeat of the French by the Vietminh at Dien Bien Phu.<sup>87</sup> Cambodia, on the other hand, opted for neutrality, rejecting SEATO. Sihanouk had various reasons for this. The Geneva Agreement of 1954 ended the first Indochina war, provided for the division of Vietnam into North and South Vietnam and also called for the departure of all Vietminh forces from Cambodia.<sup>88</sup> Sihanouk, however, had no way to actually remove them from his country. He saw the proposition of joining SEATO as a provocation to the communist powers in Asia.<sup>89</sup> He thus refused to join it. This placed Thailand and Cambodia in separate blocs and would have an important effect on the Preah Vihear Temple issue.

The Thai government's response to Sihanouk's rejection of SEATO appears to be what caused Preah Vihear to escalate from an unresolved minor issue, to a major dispute. In response to Cambodia's rejection of SEATO, the Thai government began to reinforce its border with Cambodia. It built a border police checkpoint near Preah Vihear and raised its flag at Preah Vihear.<sup>90</sup> One historian argues this did not represent a formal occupation of the temple that it was done in a private capacity by Thai forces in the region. However, Sihanouk interpreted it as a violation of Cambodian sovereignty and treated it as such.<sup>91</sup>

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<sup>86</sup> Jumsai, *History of Thailand & Cambodia, from the Days of Angkor to the Present*, 213.

<sup>87</sup> Singh, *Thai Foreign Policy: The Current Phase*, 535.

<sup>88</sup> Bernard B. Fall, "Indochina since Geneva," *Pacific Affairs* 28, no. 1 (Mar. 1955): 3.

<sup>89</sup> Leifer, *Cambodia and Her Neighbours*, 371.

<sup>90</sup> Singh, *The Thai-Cambodian Temple Dispute*, 23.

<sup>91</sup> Jumsai, *History of Thailand & Cambodia, from the Days of Angkor to the Present*, 214–215.

The relationship between Cambodia and the People's Republic of China (PRC) also complicated Thai-Cambodian relations. Sihanouk built a strong relationship with the PRC, at least in part to counter South Vietnam and Thailand.<sup>92</sup> This relationship caused problems for Thai-Cambodian relations. Thailand had fought with the U.S. against North Korea and the PRC in the early 1950s and considered the PRC a threat. Moreover, on January 31, 1953, the PRC announced the establishment of a Tai Autonomous People's government in the province of Yunnan. This was the ancestral home of the Tai people who migrated to Southeast Asia centuries earlier.<sup>93</sup> It was perceived as an act of aggression by the Thai government. Additionally, the PRC harbored deposed leader Pridi Banomyong, who in 1954, called for the people of Thailand to revolt.<sup>94</sup>

The relationship between Cambodia and the PRC was responsible, in large part, for derailing bilateral negotiations between Thailand and Cambodia in 1958. The Thai and Cambodian governments had made a tentative agreement to handle the Preah Vihear dispute at the ministerial level.<sup>95</sup> However, just before the negotiations could take place, Sihanouk took a state trip to China and extended diplomatic recognition to the PRC. The Chinese and Cambodian governments issued a joint statement referring to hostile acts by Cambodia's neighbors.<sup>96</sup> The Thai government reacted negatively to the statement as they believed it was directed at Thailand. In response, Thai leaders "...immediately declared a state of emergency in six provinces along the Cambodian frontier."<sup>97</sup> The two countries were at an impasse and Cambodia then took the case to the ICJ.

When the ICJ rendered its decision in 1962, the Thai government did not want to accept it. Prime Minister Sari stated that Thai police defend Preah Vihear from any

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<sup>92</sup> Michael Liefer, "Cambodia: In Search of Neutrality," *Asian Survey* 3, no. 1, A Survey of Asia in 1962: Part I (Jan. 1963): 59.

<sup>93</sup> Mills, *Southeast Asia: Illusion and Reality in Politics and Economics*, 173. The author spelled Tai as Thai. However "Thai" (ไทย) is specific to people of the Thai Kingdom. "Tai" (ไท) refers to a more general ethnic category and includes several nationalities including the Thai, Lao, and Shan among others.

<sup>94</sup> Ibid., 173.

<sup>95</sup> Mills, *Southeast Asia: Illusion and Reality in Politics and Economics*, 143.

<sup>96</sup> Jha, *Foreign Policy of Thailand*, 114–115.

<sup>97</sup> Roger M. Smith, *Cambodia's Foreign Policy* (Ithaca, N.Y.: Cornell University Press, 1965), 143.

Cambodians trying to take control of it.<sup>98</sup> Even when Sarit did make a statement accepting the decision, he hinted that Thailand might reclaim the temple in the future.<sup>99</sup> The Republic of China (ROC) ambassador to Thailand, Han Lih-Wu mentioned the Preah Vihear Temple dispute in his biography. After listening to Sarit lament the ICJ decision and discuss the outcry within Thailand, Han counseled Sarit to accept the court's decision and then close the access to the temple on the Thai side of the border. Since the temple was only accessible from the Thai side, no Cambodians would be able to access it.<sup>100</sup> This is exactly what Sarit did. In an additional act of defiance, the Thai border police did not lower the Thai flag, but removed the entire flagpole with the flag still raised. The Thai interior minister said "There will be no lowering of the flag, for in the near future, we will have it back where it belongs."<sup>101</sup>

Though the strategic environment was partially responsible for the escalation of the Preah Vihear issue, it was also partially responsible for the Thai government's acceptance of the decision. Prime Minister Sarit cited Thailand's "...fine reputation in international affairs" as a reason for acceding to the decision.<sup>102</sup> However, there was more to it than just Thailand's reputation. According to one historian, "[w]ith Laos already unstable, North Vietnam increasing its aggression against South Vietnam, and Cambodia developing close ties with Beijing, the Sarit regime had no intention of allowing this border dispute to escalate into a military conflict."<sup>103</sup> Moreover, none of Thailand's SEATO allies extended any support to Thailand in its resistance to accepting

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<sup>98</sup> "Thai Vows to Fight to Retain Temple." *New York Times* (1923-Current File), Jun 17, 1962. 7, <http://search.proquest.com/docview/116065885?accountid=12702> (accessed Sep 14, 2011).

<sup>99</sup> Singh, *The Thai-Cambodian Temple Dispute*, 26.

<sup>100</sup> Paul van de Meerse, *A Life to Treasure: The Authorized Biography of Han Lih-Wu* (London: Sherwood Press, 1987), 106.

<sup>101</sup> "Thais Yield Temple but Take Flagpole." *The Washington Post, Times Herald*, 1962, A9, <http://libproxy.nps.edu/login?url=http://search.proquest.com/docview/141575555?accountid=12702>. (accessed Sep 14, 2011).

<sup>102</sup> "Thailand Accepts Court Decision Giving Temple to Cambodia," *The Washington Post, Times Herald*, Jun 22, 1962, A9, <http://search.proquest.com/docview/141562816?accountid=12702> (accessed Sep 14, 2011).

<sup>103</sup> Strate, *The Lost Territories: The Role of Trauma and Humiliation in the Formation of National Consciousness in Thailand*, 228.

the ICJ decision.<sup>104</sup> The Thai government was alone in its stance in an increasingly threatening Southeast Asia and did not want to draw the ire of the international community.

The Thai leaders were upset with the decision and lack of support they received from their allies, as well as the U.S. posture towards Cambodia in general. Because the U.S. was committed to keeping Cambodia from growing any closer to the communist powers, it continued to supply military aid to Cambodia during the time of the Preah Vihear crisis.<sup>105</sup> The Thai government was outraged that the U.S. provided military aid nonaligned Cambodia, which was an adversary, at the least. Additionally, the Thai government was insulted that former Secretary of State Dean Acheson represented the Cambodian government at the ICJ.<sup>106</sup>

The Thai government took a page from Sihanouk's foreign policy playbook to protest the injustice it perceived. Sihanouk was adept at playing all sides in the emerging conflict. In January of 1961, upset at the aid Cambodia was receiving, the Thai government announced "...that Thailand intended to follow a more flexible policy towards the Soviet Union."<sup>107</sup> After the Preah Vihear decision, Prime Minister Sarit announced that Thailand would "...exchange formal trade notes with Soviet Union."<sup>108</sup> Additionally, at a critical time in the Geneva Conference on Laos, the Thai government announced a boycott of the SEATO and Lao conference.<sup>109</sup> Thailand, however, cancelled its boycott one month later.<sup>110</sup>

Relations between the two countries did not improve as a result of the decision, and forces clashed along the border intermittently for the next several years. While the

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<sup>104</sup> Singh, *The Thai-Cambodian Temple Dispute*, 26.

<sup>105</sup> P. Cuasay, "Borders on the Fantastic: Mimesis, Violence, and Landscape at the Temple of Preah Vihear," *Modern Asian Studies* 32, no. 4 (Oct. 1998): 879.

<sup>106</sup> Ibid., 864.

<sup>107</sup> Singh, *Thai Foreign Policy: The Current Phase*, 536.

<sup>108</sup> Jha, *Foreign Policy of Thailand*, 75.

<sup>109</sup> "Thailand Declares Boycott of SEATO." *New York Times*, July 17, 1962, 1, <http://libproxy.nps.edu/login?url=http://search.proquest.com/docview/116135676?accountid=12702>.

<sup>110</sup> "Thailand Lifts its Boycott of SEATO's Meetings." *New York Times*, July 19, 1962 2, <http://libproxy.nps.edu/login?url=http://search.proquest.com/docview/115784384?accountid=12702>.



Preah Vihear dispute was technically settled, it lingered. Thai border policemen were injured in a border skirmish (after the decision) in August, prompting the Thai government to send reinforcements to the area around Preah Vihear.<sup>111</sup> Thai and Cambodian forces battled at Preah Vihear as late as April and May of 1966. Thai forces seized it; Cambodian forces retook it, and then successfully defended a Thai counter attack.<sup>112</sup> That same month, Thai Foreign Minister Thanat Khoman reportedly stated “Thailand reserves the right to appeal the decision if and whenever international appeals for machinery is set up.”<sup>113</sup> In May of that year, the Cambodian press reported that Cambodian forces again repulsed a Thai attack on forces at Preah Vihear.<sup>114</sup>

The discrepancy in the treaty documents between Thailand and France had existed for close to fifty years before it resulted in conflict over Preah Vihear. The dispute occurred, in large part, due to the different strategic alignment of Thailand and Cambodia. In addition to playing a role in the escalation of the issue, the government of Thailand accepted the ICJ decision because it was so dependent on the anti-communist powers. Even though the Thai government did accept the ICJ decision, skirmishing between military forces at the temple, as late as 1966, indicate that the issue was not completely resolved, at least in the eyes of many in Thailand.

## **E. CONCLUSION**

The original Preah Vihear Temple dispute was a result of several factors. The direct historical cause was a discrepancy in documents associated with the early 1900s treaties between Siam and France. At the same time, the issue was an important domestic issue in both countries, but was not a result of domestic factions exploiting it for political gain. Leaders of both countries pursued the claim to Preah Vihear based on legitimate

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<sup>111</sup> "Thailand is Reinforcing Border with Cambodia," *New York Times*, Aug 15, 1962, 8, <http://search.proquest.com/docview/116236284?accountid=12702>. (accessed Sep 14, 2011).

<sup>112</sup> Jha, *Foreign Policy of Thailand*, 75.

<sup>113</sup> "Cambodian Standoff Persists," *The Christian Science Monitor*, May 06, 1966, 17, <http://libproxy.nps.edu/login?url=http://search.proquest.com/docview/510921320?accountid=12702> (accessed Sep 14, 2011).

<sup>114</sup> "Thais Repulsed, Cambodians Say," *The Washington Post, Times Herald*, May 19 1966, A14, <http://search.proquest.com/docview/142952089?accountid=12702> (accessed Sep 14, 2011).

foreign policy concerns. The strategic environment played a very important role in shaping the dispute. The mistrust between Thailand and Cambodia based on their different alignment in the emerging Cold War resulted in Thailand's defensive build-up at the border. When the Thai border authorities built a police station at Preah Vihear, they raised their flag over the temple, which provoked a response from Cambodia. This triggered the escalation of the issue, resulting in the dispute. The strategic alignment also prevented a bilateral resolution. The timing of Cambodia's recognition of the PRC derailed a ministerial level arrangement that may have resolved the dispute before it went to the ICJ. Once each country had committed to pursuing the issue, they broke diplomatic relations, and it took on a life of its own, culminating with the 1962 ICJ decision in Cambodia's favor. While the Thai government did not want to abide by the decision, it was constrained by external factors and felt forced to accept. However, while ostensibly accepting the decision, many in Thailand did not consider the matter resolved.

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### **III. INTER-DISPUTE PERIOD**

#### **A. INTRODUCTION**

This chapter addresses the period of time between the original and current Preah Vihear Temple dispute. It begins in 1967, when Cambodia had established control over the temple and covers up the surrender of the notorious Khmer Rouge at Preah Vihear in 1998. The first portion of this chapter addresses the argument that domestic political turmoil is responsible for the Preah Vihear Temple dispute. It argues that periods of domestic instability, in both Thailand and Cambodia, did not result in the type of conflict over Preah Vihear that has occurred during the past several years.

The second portion addresses the strategic environment during the period of study. First, it shows that many in Thailand still had an interest in the temple and considered the issue unresolved. Preah Vihear and the temple played a role in Thai-Cambodian relations throughout the entire period. Secondly, it shows that while Preah Vihear was still an important issue to Thailand, greater threats and concerns to both countries eclipsed the issue. The strategic environment section is divided into three ten-year sections.

#### **B. DOMESTIC POLITICAL FACTORS**

This section is not meant to be an in-depth study of domestic politics in each country. Its purpose is to highlight domestic instability in both countries that should have led to conflict at Preah Vihear, if domestic politics were the primary cause of the dispute. During the inter-dispute period, both Thailand and Cambodia encountered periods of domestic political unrest. The Thai government faced violent contests for political power in the 1970s and again in the early 1990s. In Cambodia, there were two periods of time when domestic political factions competing for power may have benefited from an appeal to nationalism. The first was the time period prior to the Lon Nol coup d'état against Sihanouk in 1970. The second was during the political maneuvering after the

Vietnamese occupation ended in the late 1980s. Yet, in contrast to earlier and later eras, the dispute over Preah Vihear did not occupy a prominent place in Thai-Cambodian relations.

## **1. Thailand**

The Thai government faced significant internal political turmoil twice during this period of study. The political unrest of the early and mid-1970s and the early 1990s were both examples of conservative forces trying to keep other players from seizing too much political power. According to Clark Neher, “[n]ational politics in Thailand has always involved very few people...”<sup>115</sup> In both these cases, other factions within Thai society were attempting to gain a place in the Thai political process. They bear some similarity to Thailand’s recent political crisis. If domestic politics in Thailand is to blame for the Preah Vihear Temple dispute, then these periods should have seen Thailand and Cambodia clash over Preah Vihear like they have recently. However, this did not happen.

Field Marshall Thanom Kittikachorn was driven from power in 1973 due to mass protest. Thanom took control when Field Marshal Sarit Thanarat died in 1963.<sup>116</sup> After experimenting with democratic reform, promulgating a constitution in 1968, and holding elections in 1969, Thanom staged a coup d’état against his own government. He took formal control in 1971 and many within Thailand did not respond favorably to Thanom’s takeover. Led primarily by students, but involving other segments of the population, the political protest began in the late 1960s and culminated in political violence.<sup>117</sup> By 1973, widespread protests against Thanom’s government pitted demonstrators against the police and military. After his government fell, conservative forces battled against the

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<sup>115</sup> Robert N. Kearney, *Politics and Modernization in South and Southeast Asia* (Cambridge, Mass: Schenkman Pub. Co.; [distributed by Halsted Press, New York, 1975), 277.

<sup>116</sup> David K. Wyatt, *Thailand: A Short History*, 2nd ed. (New Haven, Conn: Yale University Press, 2003), 277–278.

<sup>117</sup> Norman G. Owen, *The Emergence of Modern Southeast Asia: A New History* (Honolulu, Hawaii: University of Hawaii Press, 2005), 359.

progressive elements for the next three years.<sup>118</sup> In October of 1976, a riot broke out at a major university and counter-protestors, aided by police and military units, violently suppressed it.<sup>119</sup> The military officially intervened and installed a new leader who presided over another period of authoritarian rule.<sup>120</sup>

In the early 1990s, the Thai government faced more political unrest that ended in bloodshed. Again, it represented the conservative power-holding class fighting to maintain its stranglehold on political power. In 1991, the Thai military intervened and took control of the government. In May of 1992, hundreds of thousands of people protested against the military intervention, provoking a violent crackdown.<sup>121</sup> The situation was eventually resolved by the intervention of King Bhumipol.<sup>122</sup> During both of these periods, the Preah Vihear Temple issue did not become the subject of a dispute between the two countries.

## **2. Cambodia**

By the late 1960s, Sihanouk's hold on power was beginning to unravel. He faced challenges from both the left and the right, as the domestic political environment was polarizing.<sup>123</sup> In David Chandler's analysis, the contest was between the "urban elite" and the rising left, with Sihanouk trying to placate both sides. Cambodian elite opinion was swinging towards the anti-communist, Lon Nol. This would seem like a good time for Sihanouk to exploit the temple issue. Thai troops had occupied the temple as recently as 1966 and the two countries had not yet restored diplomatic relations. While Sihanouk did often mention Preah Vihear during the late 1960s, he included it in the context of

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<sup>118</sup> Panitan Wattanayagorn, "Thailand: The Elite's Shifting Conceptions of Security," in *Asian Security Practice: Material and Ideational Influences*, ed. Muthiah Alagappa (Stanford: Stanford University Press, 1998), 422–423.

<sup>119</sup> Owen, *The Emergence of Modern Southeast Asia: A New History*, 449.

<sup>120</sup> Wattanayagorn, *Thailand: The Elite's Shifting Conceptions of Security*, 423.

<sup>121</sup> Duncan McCargo, *Reforming Thai Politics* (Copenhagen S., Denmark: Nias Pub, 2002), 40.

<sup>122</sup> Wyatt, *Thailand: A Short History*, 305.

<sup>123</sup> Evan Gottesman, *Cambodia After the Khmer Rouge: Inside the Politics of Nation Building* (New Haven: Yale University Press, 2003), 21.

threats to Cambodian sovereignty in general. It was not a singular issue and he did not appear to be exploiting the issue to garner domestic political support.

Sihanouk did not last much longer as leader of Cambodia and two changes in government occurred in the 1970s. Sihanouk was deposed by General Lon Nol in March of 1970.<sup>124</sup> The coup d'état had widespread support among the Cambodian elites, including the Cambodian parliament. During this transition period, Preah Vihear came up between Thailand and Cambodia, but instead of a source of tension, Lon Nol offered a concession on the temple, offering to share it with Thailand.<sup>125</sup> Lon Nol's leadership in Cambodia only lasted until April of 1975, when the Khmer Rouge took over Cambodia.

The remarkable turmoil that occurred within Cambodia will be addressed in more detail in the following section; however, it is necessary to provide a few details here for the purpose of continuity. The Khmer Rouge government, known as Democratic Kampuchea (DK) lasted roughly three years. It was overthrown by the forces of the Socialist Republic of Vietnam (SRV) in late 1978.<sup>126</sup> The Vietnamese installed and backed a tenant government of Khmer Rouge defectors called the People's Republic of Kampuchea (PRK). The Khmer Rouge fled to the Thai-Cambodia border region where they eventually joined with other Cambodian factions (including survivors of the Khmer Republic) in resistance to the Vietnamese-backed Cambodian government. Vietnamese forces occupied Cambodia for over ten years, withdrawing the last of their forces in 1989. Following the departure of the Vietnamese forces, political factions (including the Khmer Rouge) were vying for political power in the closest thing to a democratic process that Cambodia had ever seen.<sup>127</sup> The factions were unable to achieve peace, and the United

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<sup>124</sup> Manich M. L. Jumsai, *History of Thailand & Cambodia, from the Days of Angkor to the Present* (Bangkok: Chalermnit, 1987), 218.

<sup>125</sup> Ganganath Jha, *Foreign Policy of Thailand* (New Delhi: Radiant Publishers, 1979), 120.

<sup>126</sup> North Vietnamese military forces overran South Vietnam in 1975, and the Socialist Republic of Vietnam was established.

<sup>127</sup> The factions included the CPP led by Hun Sen (the leader of the effective government of Cambodia, now called the SOC), the Khmer Rouge, still led by Pol Pot, the Royalist faction known as FUNCINPEC, led by Sihanouk, and the survivors of the Khmer Republic known as the KPNLF, led by Son Sann.

Nations (UN) intervened in 1991. The UN supervised elections in May of 1993.<sup>128</sup> This period would seem suitable for exploitation of the Preah Vihear issue as the contest for power in Cambodia was contentious. The Cambodian People's Party (CPP) narrowly lost the election to FUNCINPEC<sup>129</sup> and resorted to violence (including murder), intimidation and fraud to impose its will.<sup>130</sup> The democratic process was somewhat of a failure, as the actual winners were forced to hand power over to the CPP, led by Hun Sen. In this volatile political environment, Preah Vihear was apparently not a major issue between the two countries. In fact, amidst the process in the late 1980s, Hun Sen himself proposed that the two countries cooperate on the temple issue at a press conference in 1989.<sup>131</sup>

All things being equal, the domestic unrest in both countries should have led to conflict over Preah Vihear if the explanation of domestic politics is complete. This demonstrates that domestic politics alone did not result in conflict over Preah Vihear in the interim period. It does not necessarily mean that domestic politics cannot cause conflict over Preah Vihear, however. The next section will show that during times of turmoil, both countries were occupied by other issues that rendered Preah Vihear just one concern among many during the period of study

### **C. STRATEGIC ENVIRONMENT**

Between 1967 and 1998, the external environment shifted in several ways. Throughout those changes, the Preah Vihear Temple came up repeatedly between Thailand and Cambodia. The first section shows that the Thai and Cambodian governments were willing to compromise on the temple issue, at one point, in the face of greater threats. It also shows that later, the Thai government seemed willing to let the

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<sup>128</sup> Julio A. Jeldres, "The UN and the Cambodian Transition," *Journal of Democracy* 4, no. 4 (1993): 104.

<sup>129</sup> (French) Front Uni National pour un Cambodge Indépendant, Neutre, Pacifique, et Coopératif (English) National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia.

<sup>130</sup> Julio A. Jeldres, "The UN and the Cambodian Transition," *Journal of Democracy* 4, no. 4 (1993): 109, 112.

<sup>131</sup> FBIS-EAS-89-087, Daily Report, East Asia, May 8, 1989, 47, <http://docs.newsbank.com/s/HistArchive/fbisdoc/FBISX/12067B52C351DE68/0D0CB5FC0F5C3AD5> (accessed Sep 13, 2011).



issue go entirely, for a short time. The second section shows that during the Vietnamese occupation, Cambodia held the temple, but many in Thailand did not consider the issue resolved. The third section shows that after the resolution of the international portion of the Cambodian conflict in 1988, the Cambodian government was again willing to compromise on the Preah Vihear issue. However, Phnom Penh soon lost its capability to exercise effective control over large portions of its territory, as well as Preah Vihear. In the early 1990s, the temple was threatened by fighting between Cambodian government forces and Khmer Rouge rebels. In 1993, the Khmer Rouge seized the temple and held it until they surrendered there in 1998. This section will show that the behavior of the Thai and Cambodian governments regarding Preah Vihear was both shaped and constrained by the strategic environment.

### **1. Late 1960s to the late 1970s**

In 1967, a reporter observed that Preah Vihear had been relegated to a symbolic role in the still-contentious relationship between Thailand and Cambodia.<sup>132</sup> The two countries still had not restored diplomatic relations. The most substantive issue between the two countries was still that of alignment. Specifically, the Cambodian government was still close to the communist powers in Asia and the Thai government was still close to the U.S. However, according to Sihanouk, the U.S. and its allies' unwillingness to recognize Cambodian sovereignty were also preventing normalization. Sihanouk went so far as to say that if the Thai communists were to recognize Cambodian territorial claims, then Cambodia would recognize them as the legitimate government of Thailand.<sup>133</sup> This may or may not have been hyperbole but it showed how important territorial sovereignty was to Cambodia.

Regarding the temple itself, the government of Cambodia had legal possession, and after the skirmishing there as late as 1966, had physical control as well. However,

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<sup>132</sup> "Ruined Temple is Symbol of Thai-Cambodian Rift," *The Washington Post, Times Herald*, Apr 3 1967, B10, <http://search.proquest.com/docview/143268430?accountid=12702> (accessed Sep 14, 2011).

<sup>133</sup> FBIS-FRB-68-193, DAILY REPORT, September 10, 1968,. H4, <http://docs.newsbank.com/s/HistArchive/fbisdoc/FBISX/12C58074446AD048/0D0CB5FC0F5C3AD5> (accessed Sep 13, 2011).

Preah Vihear was difficult to reach from the Cambodian side and the Thai government had closed its access after accepting the ICJ decision. From Sihanouk's speeches throughout 1968, it is evident that he was still concerned that Thailand wanted to retake the temple. In February 1968, Sihanouk stated that Thailand intended to "seize...Preah Vihear someday."<sup>134</sup> Sihanouk mentioned Thai designs on Cambodian territory, and Preah Vihear specifically, several more times throughout 1968. Moreover, the issue, in the context of recognition of Cambodian sovereignty, was still playing a role in Cambodia's foreign policy.

Both Thailand and Cambodia were threatened by the communist forces in Southeast Asia. Cambodia's relationships with North Vietnam and the PRC were not ideological, but pragmatic.<sup>135</sup> Sihanouk thought it was the best way to preserve Cambodian sovereignty. However, Cambodia faced a subversive threat in the communist Khmer Rouge. Complicating the issue, the North Vietnamese communists were allied with the Khmer Rouge and moved freely in eastern Cambodia with Sihanouk's reluctant permission.<sup>136</sup> Cambodia did not have the capability to force the Vietnamese communists out of Cambodia. Thus, Sihanouk "allowed" them to stay there as this arrangement prevented open conflict in Cambodia. Thai opposition to communism was in large part ideological, but Thai communists posed a very real threat to the Thai government. The PRC supported the communists in Thailand. In the late 1960s, Thailand was facing communist insurgents in several areas of the country.<sup>137</sup> From the late 1960s onward, Thai security forces clashed with communist insurgents in the Northern provinces.<sup>138</sup> At the same time, the Thai government was threatened by Vietnamese communist pressure

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<sup>134</sup> FBIS-FRB-68-028, DAILY REPORT, February 8, 1968, 0002, <http://docs.newsbank.com/s/HistArchive/fbisdoc/FBISX/12BA3B6881C25910/0D0CB5FC0F5C3AD5> (accessed Sep 13, 2011).

<sup>135</sup> At this point, North and South Vietnam were still separate countries.

<sup>136</sup> David P. Chandler, *The Tragedy of Cambodian History: Politics, War, and Revolution since 1945* (New Haven: Yale University Press, 1991), 177.

<sup>137</sup> Owen, *The Emergence of Modern Southeast Asia: A New History*, 359.

<sup>138</sup> Alessandro Casella, "Communism and Insurrection in Thailand," *The World Today* 26, no. 5 (May 1970): 204.

in neighboring Laos and Cambodia. Despite the similar threats facing both countries, the late 1960s was a period of continued enmity. 1970, however, would see the Thai and Cambodian governments reconcile.

An internal change within Cambodia produced a major shift in Cambodian foreign policy and strategic alignment. In March 1970, the anti-communist, Lon Nol, executed a coup d'état against Sihanouk.<sup>139</sup> He reached out to the anti-communist powers and reestablished diplomatic relations with Thailand.<sup>140</sup> The Thai government became an important ally of the new Khmer Republic as the survival of Lon Nol's regime "depended on the supply lines from Thailand."<sup>141</sup> As part of its diplomacy with the Thai government, the Khmer Republic offered a noteworthy concession. Sihanouk took refuge in China and established an alliance with the enemy of his new enemy, the Khmer Rouge.<sup>142</sup>

On May 18, 1970, the Cambodian Foreign Ministry stated that Cambodia would permit Thai nationals to worship at Preah Vihear.<sup>143</sup> It stated further that the issue was not worth fighting over, as the real important issue was combating the communist threat to both countries. The Thai government responded favorably to the new policy and the Deputy Prime Minister of Thailand suggested sharing the costs of maintaining the temple.<sup>144</sup> The compromise was in the interest of Cambodia as Thailand could provide ready access to the temple. The timing of the statement corresponded to a military exchange between the two countries. Lon Nol's concession, and the Thai reaction to it, indicates that Preah Vihear was still a relevant issue to the Thais.

The Preah Vihear Temple issue was relevant during the Khmer Republic period. When Sihanouk was overthrown in 1970, the arrangement between the Vietnamese

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<sup>139</sup> Chandler, *A History of Cambodia*, 249.

<sup>140</sup> Jumsai, *History of Thailand & Cambodia, from the Days of Angkor to the Present*, 219.

<sup>141</sup> Khien Theeravit, "Thai-Kampuchean Relations: Problems and Prospects," *Asian Survey* 22, no. 6, Southeast Asia: Perspectives from ASEAN (Jun. 1982): 566.

<sup>142</sup> Etcheson, Craig, "Civil War and the Coalition Government of Democratic Kampuchea," *Third World Quarterly* 9, no. 1, The Politics of Exile (Jan., 1987): 191.

<sup>143</sup> Jha, *Foreign Policy of Thailand*, 120.

<sup>144</sup> Ibid.

communists and the Cambodian government was nullified. The Vietnamese communists were thus unconstrained and able to engage in open warfare in Cambodia.<sup>145</sup> The Cambodian government requested Thai troops to aid in the defense of Phnom Penh. The Thai government refused, but did send troops to Preah Vihear in July 1970.<sup>146</sup> Communist propaganda in January 1972 mentioned the presence of Thai troops in Cambodia and at Preah Vihear, specifically.<sup>147</sup> In October 1972, Sihanouk (who had allied with the Khmer Rouge after the coup), called for the overthrow of the Khmer Republic and addressed the issue of Preah Vihear, claiming that the current government had sold out the Cambodian people.<sup>148</sup> The Thai military likely maintained a presence at the temple until the Khmer Republic fell in 1975.

Due in large part to the corruption and incompetence of the Khmer Republic leaders, the Khmer Rouge were slowly taking over Cambodia. The Khmer Republic was able to hold them off only with the military assistance of the U.S. However, in 1973, the U.S. withdrew from Indochina.<sup>149</sup> At the same time, internal domestic politics in Thailand, including the popular protests of 1973, led the Thai government to distance itself from the greater conflict in Indochina.<sup>150</sup> This left the Khmer Republic alone. In April 1975, the Khmer Rouge overran the Khmer Republic and established Democratic

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<sup>145</sup> Chandler, *The Tragedy of Cambodian History: Politics, War, and Revolution since 1945*, 201.

<sup>146</sup> "First Thai Troops Join in Cambodian Defence." *Los Angeles Times* (1923-Current File), Jul 11, 1970, 18, <http://search.proquest.com/docview/156432793?accountid=12702> (accessed Sep 14, 2011).

<sup>147</sup> FBIS-FRB-72-016 Daily Report, January 24 1972, L4, <http://docs.newsbank.com/s/HistArchive/fbisdoc/FBISX/12B3A460EF15F098/0D0CB5FC0F5C3AD5> (accessed Sep 13, 2011).

<sup>148</sup> FBIS-FRB-72-197, Daily Report, White Book, October 6, 1972, H4, <http://docs.newsbank.com/s/HistArchive/fbisdoc/FBISX/12B6254367516A18/0D0CB5FC0F5C3AD5> (accessed Sep 13, 2011).

<sup>149</sup> John Lewis Gaddis, *Strategies of Containment: A Critical Appraisal of American National Security Policy during the Cold War*, Rev. and expanded ed. (New York: Oxford University Press, 2005), 314.

<sup>150</sup> Theeravit, *Thai-Kampuchean Relations: Problems and Prospects*, 566.

Kampuchea.<sup>151</sup> In late April, the last troops of the Khmer Republic were garrisoned at Preah Vihear, cut off from their higher command.<sup>152</sup> One of the last areas the Khmer Rouge took control of was Preah Vihear and the surrounding area.

The Thai government responded to the new environment by establishing limited relationships with the communist powers in Asia. The Thai government, at this point, had begun to shift away from the anti-communist underpinnings of its foreign policy. It began to normalize relations with the PRC as it could no longer count on U.S. support.<sup>153</sup> In keeping with its new foreign policy approach, the Thai government recognized Democratic Kampuchea on April 18, 1975; the day after the Khmer Rouge took over Phnom Penh.<sup>154</sup> During the fighting, Deputy Prime Minister Praman Adireksan stated that the skirmishing at Preah Vihear was, "...the internal affair of Cambodia of which Thailand had nothing to do with..."<sup>155</sup>

In a conciliatory gesture, the Thai government released a statement indicating that it would not interfere in Khmer Rouge access to the temple.<sup>156</sup> However, the Khmer Rouge in the border region, including Preah Vihear, presented the Thai government with a difficult situation. Between 1975 and 1978, Khmer Rouge attacks in Thai territory claimed the lives of over two hundred Thai citizens.<sup>157</sup> In February 1978, from their outpost at Preah Vihear, Khmer Rouge soldiers attacked a Thai border patrol police

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<sup>151</sup> Elizabeth Becker, *When the War was Over: The Voices of Cambodia's Revolution and its People* (New York: Simon and Schuster, 1986), 159–160.

<sup>152</sup> Jacques Leslie, "130 Cambodia Soldiers Still Hold Out Near Thai Border," *Los Angeles Times* (1923-Current File), Apr 24, 1975, A1.

<sup>153</sup> Of course, the U.S. had also normalized relations with the PRC as part of President Nixon's plan to withdraw U.S. military forces from Southeast Asia.

<sup>154</sup> Theeravit, *Thai-Kampuchean Relations: Problems and Prospects*, 566.

<sup>155</sup> FBIS-APA-75-103, Daily Report, Asia & Pacific, May 28, 1975, J5, <http://docs.newsbank.com/s/HistArchive/fbisdoc/FBISX/126D69E1A0D5B748/0D0CB5FC0F5C3AD5> (accessed Sep 13, 2011).

<sup>156</sup> FBIS-APA-75-103, Daily Report, Asia & Pacific, May 28, 1975, J5, <http://docs.newsbank.com/s/HistArchive/fbisdoc/FBISX/126D69E1A0D5B748/0D0CB5FC0F5C3AD5> (accessed Sep 12, 2011).

<sup>157</sup> Clark D. Neher, *Modern Thai Politics: From Village to Nation*, Rev.d ed. (Cambridge, Mass: Schenkman Pub. Co, 1979), 399.

garrison and burned it down, along with the homes in the compound.<sup>158</sup> This was a blatant challenge to Thai sovereignty and directly involved Preah Vihear. However, in the strategic environment at the time, the Thai government feared pushing the Khmer Rouge closer to communist Vietnam.<sup>159</sup> Ironically, the SRV ended up invading Democratic Kampuchea and pushing the Khmer Rouge, their former protégés into an alliance with the Thais.

## **2. Late 1970s to the late 1980s**

The conflict in Cambodia, following the Vietnamese invasion was “the most bizarre and intricate conflict in recent history,” according to one observer.<sup>160</sup> It involved several different actors including the U.S., PRC, (Union of Soviet Socialist Republics) USSR, Thailand, and different Cambodian factions, including the Khmer Rouge. In 1984, opinion surveys indicated that Thai elites were almost unanimous in their perception of the SRV and its supporter, the USSR, as a threat to Thailand’s security.<sup>161</sup> The issue dominated Thai foreign and security policy throughout the 1980s. Thailand was not strong enough to challenge Vietnamese occupation of Cambodia on its own, however. It depended on the support of outside powers, like the PRC and U.S. It also supported the resistance organization known as the Coalition Government of Democratic Kampuchea (CGDK), which was formed midway through 1982.<sup>162</sup> It was comprised of FUNCINPEC, led by Sihanouk, the Khmer Rouge, represented by Khieu Samphan, and Son Sann of the Khmer People’s National Liberation Front (KPLNF).<sup>163</sup> The most militarily capable, and arguably most important, were the Khmer Rouge.

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<sup>158</sup> FBIS-APA-78-026, Daily Report, Asia & Pacific, February 2, 1978, J1, <http://docs.newsbank.com/s/HistArchive/fbisdoc/FBISX/1214BDCEB144EA40/0D0CB5FC0F5C3AD5> (accessed Sep 12, 2011).

<sup>159</sup> Neher, *Modern Thai Politics: From Village to Nation*, 400.

<sup>160</sup> Chang Pao-min, "Kampuchean Conflict: The Continuing Stalemate," *Asian Survey* 27, no. 7 (Jul. 1987): 748.

<sup>161</sup> Sukhumbhand Paribatra, "Strategic Implications of the Indochina Conflict: Thai Perspectives," *Asian Affairs* 11, no. 3 (Fall 1984): 33–34.

<sup>162</sup> Chandler, *A History of Cambodia*, 283.

<sup>163</sup> Sorpong Peou, *Conflict Neutralization in the Cambodia War: From Battlefield to Ballot-Box* (Kuala Lumpur; Oxford: Oxford University Press, 1997), 24.

The strategic environment at the time affected the behavior of the Thai government in two ways regarding the Preah Vihear temple issue. First, the effective government of Cambodia was the PRK, and it was supported/occupied by the SRV. Given the fact that the temple legally belonged to Cambodia, the government of Thailand was in no position to challenge it. Secondly, the Thai government had an incentive not to press territorial claims in general. The Thai government provided sanctuary to the resistance fighters along the border region in the yet-to-be demarcated frontier area between the two countries. Without the sanctuary provided by the Thai government, the resistance would have collapsed.<sup>164</sup> However, because there was ambiguity in where the border actually was, the Thai government was able to deny that it was harboring the fighters in Thai territory.<sup>165</sup> This does not mean that Preah Vihear was unaffected. Because it straddles the terrain feature that demarcates the Thai-Cambodia border in the region, it was a frequent subject of Cambodian press reporting. The Cambodian press accused Thai forces of flying reconnaissance over the temple on an almost weekly basis. Additionally, the Cambodian press reported that Thai forces shelled the temple area and even the temple itself on several occasions throughout the conflict.

While the Thai government did not raise the ownership issue of Preah Vihear with the PRK, people within Thailand addressed it with Sihanouk as the head of state of the CGDK. The PRK was the effective government of Cambodia, while the CGDK was mostly refugees living in border camps. However, the CGDK still held the Cambodian seat at the UN.<sup>166</sup> In 1982, shortly after the formation of the CGDK, Sihanouk was speaking at a press conference in Bangkok and reporters questioned him about Preah Vihear. One reporter asked what the status of the temple would be once Sihanouk (along with the CGDK) was in control in Cambodia. Sihanouk provided a vague response,

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<sup>164</sup> Chang, *Kampuchean Conflict: The Continuing Stalemate*, 751.

<sup>165</sup> Craig Etcheson, "Civil War and the Coalition Government of Democratic Kampuchea," *Third World Quarterly* 9, no. 1, The Politics of Exile (Jan. 1987): 188.

<sup>166</sup> Acharya, *Constructing a Security Community in Southeast Asia* 105. ASEAN rallied to defend the Vietnamese challenge to DK's status as the government of Cambodia was recognized by the UN. DK was thus the recognized government of Cambodia by much of the world outside of the USSR and SRV. When the CGDK was formed in 1982, it inherited the DK seat at the UN.

mentioning the need to respect the ICJ decision and letting “bygones be bygones.”<sup>167</sup> Another reporter questioned him further, and asked specifically about revisiting the Preah Vihear decision, citing how important the issue was to many in Thailand. Sihanouk tried hard to remain noncommittal but intimated that the issue could be revisited in the future, if that was what both the Thai and Cambodian governments wanted.

As late as 1985 and 1986, the issue was still evidently relevant to the relationship between the Thai government and CGDK. Diplomatic sources reported that a high level Thai official asked Sihanouk if the Preah Vihear Temple issue could be renegotiated. The same report claimed that the Thai government’s recognition of the CGDK was linked with the Preah Vihear issue.<sup>168</sup> During a 1986 meeting, Sihanouk reportedly told Thai leader Prem Tinsulanonda, that Cambodia would share Preah Vihear with Thailand once he returned to power in Cambodia.<sup>169</sup> If true, they indicate that some within Thailand sought an accommodation on the temple in exchange for Thailand’s assistance to the CGDK. At a minimum, they demonstrate that the issue was still a subject of discussion in Thailand.

Sihanouk’s alleged compromises on Preah Vihear resonated in Cambodia, at least with the Cambodian press and leader Hun Sen. In a 1985 interview, Hun Sen claimed that “[Sihanouk]...was prepared to yield to the Thai demand for the return of the Preah Vihear Temple and the three provinces from Cambodia.”<sup>170</sup> In 1986, Hun Sen sent a letter to the UN Secretary-General accusing the Thais of violating Cambodian territory because they were using incorrect maps. He complained that the Thai government did not adhere to the map that awarded Cambodia Preah Vihear in 1962 and alleged that the Thai

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<sup>167</sup> FBIS-APA-82-136, Daily Report Asia & Pacific, July 15, 1982, H2, <http://docs.newsbank.com/s/HistArchive/fbisdoc/FBISX/1215CE5F164D2AE0/0D0CB5FC0F5C3AD5> (accessed Sep 12, 2011).

<sup>168</sup> FBIS-APA-85-147, Daily Report, ASIA & PACIFIC, July 1, 1985, J1, <http://docs.newsbank.com/s/HistArchive/fbisdoc/FBISX/1208881A0BA500B8/0D0CB5FC0F5C3AD5> (accessed Sep 12, 2011).

<sup>169</sup> FBIS-APA-85-169, Daily Report, Asia & Pacific, August 30, 1985, J1, <http://docs.newsbank.com/s/HistArchive/fbisdoc/FBISX/12088C2F583F0FD0/0D0CB5FC0F5C3AD5> (accessed Sep 12, 2011).

<sup>170</sup> FBIS-APA-85-141, Daily Report, Asia & Pacific, July 23, 1985, H4, <http://docs.newsbank.com/s/HistArchive/fbisdoc/FBISX/12085C57D0EA7990/0D0CB5FC0F5C3AD5> (accessed Sep 12, 2011).



government planned to retake portions of Cambodian territory.<sup>171</sup> In 1986, the Cambodian press reported on news stories circulating in Thailand. The Thai press was reporting that Sihanouk made a deal with the Thai government on the Preah Vihear issue. The article condemned the purported deal and alluded to Thai designs on retaking Cambodian territory.<sup>172</sup> Again, at a minimum, these reports demonstrate that the Preah Vihear issue was still a subject of contention between the two countries.

The antipathy between Vietnam and Cambodia lies in the history of the region, but what was largely responsible for the SRV invasion was Khmer Rouge attacks across the border into Vietnam.<sup>173</sup> The Vietnamese government was not as reluctant to confront the Khmer Rouge as the Thai government was, and it responded with force. In December 1978, forces of the SRV invaded and overthrew Democratic Kampuchea, establishing the PRK.<sup>174</sup> The last forces of the Khmer Rouge held out at Preah Vihear then fled into Thailand in the same manner that the Khmer Republic forces had. By mid-July, the SRV-backed Cambodian government had control over Preah Vihear.<sup>175</sup> For the next decade, with SRV troops occupying Cambodia, the Thai government would not raise the issue with the PRK. However, it would raise the issue with Sihanouk as the head of the resistance coalition that sought refuge along the Thai-Cambodian border

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<sup>171</sup> FBIS-APA-86-216, Daily Report, Asia & Pacific, November 7, 1986, H1, <http://docs.newsbank.com/s/HistArchive/fbisdoc/FBISX/12082D7F828BCF48/0D0CB5FC0F5C3AD5> (accessed Sep 12, 2011).

<sup>172</sup> FBIS-APA-86-116, Daily Report, Asia & Pacific, June 17, 1986 H5, <http://docs.newsbank.com/s/HistArchive/fbisdoc/FBISX/12081F0FC593CBA0/0D0CB5FC0F5C3AD5> (accessed Sep 13, 2011).

<sup>173</sup> Ben Kiernan, "Southeast Asia -- Vietnam's Intervention in Cambodia in International Law by Gary Klintworth," *The Journal of Asian Studies* 50, no. 2 (May, 1991): 461, <http://libproxy.nps.edu/login?url=http://proquest.umi.com/pqdweb?did=1531559&Fmt=7&clientId=11969&RQT=309&VName=PQD> (accessed Sep 14, 2011).

<sup>174</sup> Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*, 2nd ed. (Milton Park, Abingdon, Oxon; New York: Routledge, 2009), 104–105.

<sup>175</sup> FBIS-APA-79-143, Daily Report, Asia & Pacific, July 7, 1979, J5, <http://docs.newsbank.com/s/HistArchive/fbisdoc/FBISX/120DC8FE153B6108/0D0CB5FC0F5C3AD5> (accessed Sep 14, 2011).

### 3. Late 1980s to the late 1990s

The next ten years brought another shift in the strategic environment that allowed for a normalization of Thai and Cambodian relations. In the late 1980s, the USSR, dealing with its own internal issues, began to pull support from its client states. It also began to normalize relations with the PRC. The USSR began to withdraw support for the SRV while the PRC agreed to begin pulling support from the Khmer Rouge.<sup>176</sup> This left Vietnam without its great power benefactor and it, in turn, began to withdraw from Cambodia, pulling the last of its troops out in September 1989.<sup>177</sup> The various outside powers that had an interest in supporting the factions in the Cambodian conflict began to push for a political resolution to the internal conflict. The CGDK crumbled and the separate factions began to vie for a place in the new Cambodia.

The SRV withdrawal from Cambodia was hugely significant to the Thai government. It marked the end of the issue that animated Thai foreign policy for ten years. Leszek Buszynski writes “[t]he anticipated end of the Cambodian conflict released Thailand from its obsession with national security.”<sup>178</sup> This allowed for reconciliation between Bangkok and Phnom Penh and again, the issue of Preah Vihear came up. During a Bangkok press conference in May of 1989, Cambodian leader Hun Sen addressed the recent ceasefire in Cambodia. He stated that Thailand and Cambodia could cooperate on the Preah Vihear issue, suggesting that the countries make it accessible from both sides.<sup>179</sup> At this point, the temple was virtually inaccessible from the Cambodian side due to the geography as well as landmines placed in the area during the previous periods of warfare. Partnering with Thailand would allow Cambodians access from the Thai side while Thais would gain Cambodian permission to enter the temple.

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<sup>176</sup> Sorpong Peou, *Conflict Neutralization in the Cambodia War: From Battlefield to Ballot-Box* (Kuala Lumpur; Oxford: Oxford University Press, 1997), 124.

<sup>177</sup> Chandler, *A History of Cambodia*, 285.

<sup>178</sup> Leszek Buszynski, "Thailand's Foreign Policy: Management of a Regional Vision," *Asian Survey* 34, no. 8 (Aug. 1994): 722.

<sup>179</sup> FBIS-EAS-89-087, Daily Report, East Asia, May 8, 1989, 47, <http://docs.newsbank.com/s/HistArchive/fbisdoc/FBISX/12067B52C351DE68/0D0CB5FC0F5C3AD5> (accessed Sep 13, 2011).

Thai and Cambodian officials did begin to cooperate on Preah Vihear but Cambodia's internal security problem, namely the continued activities of the Khmer Rouge, slowed progress. By November 1991, Thai and Cambodian officials announced a plan to open the temple to tourists.<sup>180</sup> However, fighting in the vicinity between Cambodian troops and the Khmer Rouge forced a delay.<sup>181</sup> The temple was temporarily open from 1992 to 1993 and the two governments cooperated in its administration. The temple was under the notional control of Phnom Penh, but Thailand granted tourist permits. Thai officials also provided security and maintained the facilities for tourists.<sup>182</sup>

In the meantime, negotiations failed to achieve peace in Cambodia and the UN intervened in 1992.<sup>183</sup> However, according to David Chandler, "... (UNTAC) arrived too late and moved too slowly to gain the respect it needed from the Cambodian factions."<sup>184</sup> The Khmer Rouge opted out of the peace agreements and began an insurgency against the Cambodian government. Despite the best efforts of the UN peacekeepers, the Khmer Rouge actually had increased the amount of territory it controlled by the time the UN forces withdrew from Cambodia in 1993.<sup>185</sup> The Khmer Rouge controlled the territory on the Cambodian side of the border near Preah Vihear, which made it impossible for the government in Phnom Penh to exercise control over temple. This would have implications for the dispute.

Though Bangkok and Phnom Penh began to cooperate after the Vietnamese withdrawal, there was tension within Thailand itself. While the Thai elites were unified during the occupation of Cambodia, the end of the Cambodian conflict created a rift

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<sup>180</sup> FBIS-EAS-91-227, Daily Report, East Asia, November 25, 1991, 55, <http://docs.newsbank.com/s/HistArchive/fbisdoc/FBISX/1204726DF9294D00/0D0CB5FC0F5C3AD5> (accessed Sep 13, 2011).

<sup>181</sup> FBIS-EAS-91-250, Daily Report, East Asia, December 12, 1991, 56, <http://docs.newsbank.com/s/HistArchive/fbisdoc/FBISX/120475AE187CC0C8/0D0CB5FC0F5C3AD5> (accessed Sep 13, 2011).

<sup>182</sup> Ronald Bruce St. John, "Preah Vihear and the Cambodia-Thailand Borderland," *IBRU Boundary and Security Bulletin* (1994): 66.

<sup>183</sup> Paul Battersby, "Border Politics and the Broader Politics of Thailand's International Relations in the 1990s: From Communism to Capitalism," *Pacific Affairs* 71, no. 4 (98 1998): 478.

<sup>184</sup> Chandler, *A History of Cambodia*, 207.

<sup>185</sup> Sheri Prasso, "Cambodia: A Heritage of Violence," *World Policy Journal* 11, no. 3 (Fall 1994): 76.

between the military and foreign ministry. Certain resistance-era arrangements proved resistant to change. There was tension between Bangkok and the military along the border, as the former supported the UN-sponsored peace plan in Cambodia, while elements within the Thai military still supported the Khmer Rouge.<sup>186</sup>

The Thai government was a signatory on the 1991 peace agreement in Cambodia and complied with the UN prohibition on aiding the factions within Cambodia. However, "... [t]he United Nations later named Thailand as the biggest violator of the ban on log exports from Cambodia."<sup>187</sup> A senior Khmer Rouge official, Ieng Sary, acknowledged the arrangement when he stated, "...after the Paris Agreement was signed, 'our Chinese friends stopped all assistance. So we had to sell some trees to the Thais to meet the immediate needs of the people.'"<sup>188</sup> Illicit lumber sales represented one of the Khmer Rouge's most important sources of revenue when outside support ceased.<sup>189</sup> The funds that the Khmer Rouge generated allowed the organization to sustain itself as an independent force in Cambodia.<sup>190</sup>

Some Non-Governmental Organizations (NGO) documented the illicit trade of lumber at the border well into the 1990s, but it was not until 1997 that the Thai government banned lumber imports from Cambodia.<sup>191</sup> In addition to lumber, the Khmer Rouge conducted a similar illicit trade in gems. It allowed Thai miners to access the rich areas it controlled. Estimates in 1993 put Khmer Rouge profits from the gem trade at around 3.8 million U.S. dollars per month.<sup>192</sup> According to anthropologist

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<sup>186</sup> Buszynski, *Thailand's Foreign Policy: Management of a Regional Vision*, 721.

<sup>187</sup> Praso, *Cambodia: A Heritage of Violence*, 75.

<sup>188</sup> Zachary Abuza, "The Khmer Rouge Quest for Economic Independence," *Asian Survey* 33, no. 10 (Oct. 1993): 1018.

<sup>189</sup> Lindsay French, "From Politics to Economics at the Thai-Cambodian Border: Plus Ça Change..." *International Journal of Politics, Culture, and Society* 15, no. 3 (Spring 2002): 443.

<sup>190</sup> Abuza, *The Khmer Rouge Quest for Economic Independence*, 1010–1011.

<sup>191</sup> Battersby, *Border Politics and the Broader Politics of Thailand's International Relations in the 1990s: From Communism to Capitalism*, 486.

<sup>192</sup> Abuza, *The Khmer Rouge Quest for Economic Independence*, 1017.

Lindsay French, the Thai military controlled traffic at the Thai-Cambodian border and the smuggling of gems and timber would not have been possible without their participation.<sup>193</sup>

Other reporting indicates that elements within the Thai military maintained a relationship with the Khmer Rouge. For example, some Thai military personnel were reportedly complicit in the capture of UN officials on the Cambodian side of the border in 1993, and some sources indicate that Pol Pot himself was guarded by other Thai military in Thailand.<sup>194</sup> In 1993, a New York Times reporter investigated the relationship and a senior Thai official stated that “we cannot end these relationships overnight...we need time.”<sup>195</sup> In the same article, however, senior RTA leaders denied a relationship between the RTA and Khmer Rouge.

The relationship between elements within the Thai military and the Khmer Rouge had implications for control over the Preah Vihear Temple, according to UN and Cambodian sources. In early July 1993, Khmer Rouge soldiers seized Preah Vihear from Cambodian government soldiers. Cambodian officials in Phnom Penh alleged that the Khmer Rouge took the temple with the assistance of Thai soldiers.<sup>196</sup> UN officials in Phnom Penh made similar charges alleging that the “... the Khmer Rouge could not hold the temple without complicity from Thailand.”<sup>197</sup> Thai officials denied the charges,

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<sup>193</sup> French, *From Politics to Economics at the Thai-Cambodian Border: Plus Ça Change...*, 455.

<sup>194</sup> Buszynski, *Thailand's Foreign Policy: Management of a Regional Vision*, 731.

<sup>195</sup> Philip Shenon, "Pol Pot & Co.: The Thai Connection - A Special Report in Big Threat to Cambodia, Thais Still Aid Khmer Rouge," New York Times, July 3, 1993, 1, <http://www.nytimes.com/1993/12/19/world/pol-pot-thai-connection-special-report-big-threat-cambodia-thais-still-aid-khmer.html> (accessed Sep 14, 2011).

<sup>196</sup> "Khmer Rouge demand role in national Cambodian politics," *Agence France Press -- English*, July 8, 1993, [http://w3.nexis.com/new/cart/cartDocRenderer.do?format=GNBFULL&returnToKey=20\\_T12728068194&randomNo=0.7535480930193749&csi=10903&docNo=2](http://w3.nexis.com/new/cart/cartDocRenderer.do?format=GNBFULL&returnToKey=20_T12728068194&randomNo=0.7535480930193749&csi=10903&docNo=2) (accessed Sep 14, 2011).

<sup>197</sup> "Khmer Rouge take over 1,000-year-old temple," *Agence France Press -- English*, July 7, 1993, [http://w3.nexis.com/new/cart/cartDocRenderer.do?format=GNBFULL&returnToKey=20\\_T12728068194&randomNo=0.7535480930193749&csi=10903&docNo=1](http://w3.nexis.com/new/cart/cartDocRenderer.do?format=GNBFULL&returnToKey=20_T12728068194&randomNo=0.7535480930193749&csi=10903&docNo=1) (accessed Sep 14, 2011).

however. An RTA General pointed out that the Khmer Rouge seizure of Preah Vihear cost the Thai government tourism revenues.<sup>198</sup>

Since the Cambodian government was unable to defeat the Khmer Rouge, it began to offer amnesty to some Khmer Rouge leaders. In 1996, the Cambodian government in Phnom Penh allowed a Khmer Rouge leader, Ieng Sary, to govern a semi-autonomous region in western Cambodia as part of its plan to induce the Khmer Rouge to surrender.<sup>199</sup> This brought much of the territory that generated the income so vital to the Khmer Rouge insurgency finally under Phnom Penh's control.<sup>200</sup>

The Khmer Rouge strength was finally waning as leaders began to turn on each other. However, Cambodian forces were still unable to dislodge the Khmer Rouge forces at Preah Vihear and in the surrounding area. In March of 1998, the Khmer Rouge stronghold of Anlong Veng, near Preah Vihear was taken by government forces.<sup>201</sup> In December 1998, the Khmer Rouge officially surrendered in a ceremony at Preah Vihear that was broadcast on government television.<sup>202</sup> When Phnom Penh took control of the temple, there were Thai military forces there as well.<sup>203</sup>

#### **D. CONCLUSION**

During the late 1960s, Cambodia controlled the temple but it was difficult for worshippers to reach because the Thai government prevented access to the temple following the ICJ's decision in 1962. From 1970 to 1975, the Khmer Republic essentially shared the temple with Thailand. From 1975 to 1978, Khmer Rouge troops occupied the

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<sup>198</sup> FBIS-EAS-93-129, Daily Report, East Asia, July 8, 1993, 47, <http://docs.newsbank.com/s/HistArchive/fbisdoc/FBISX/120447F983EC7888/0D0CB5FC0F5C3AD5> (accessed Sep 13, 2011).

<sup>199</sup> Gottesman, *Cambodia After the Khmer Rouge: Inside the Politics of Nation Building*, 354.

<sup>200</sup> Battersby, *Border Politics and the Broader Politics of Thailand's International Relations in the 1990s: From Communism to Capitalism*, 478.

<sup>201</sup> Tony Kevin, "Cambodia's International Rehabilitation, 1997–2000," *Contemporary Southeast Asia* 22, no. 3 (Dec 2000): 604.

<sup>202</sup> Seth Mydans, "Last Rebels in Cambodia Send Message of Surrender," *New York Times*, December 6, 1998, 1.17–17).

<sup>203</sup> A. Hinton, "Khmerness and the Thai 'Other': Violence, Discourse and Symbolism in the 2003 Anti-Thai Riots in Cambodia," *Journal of Southeast Asian Studies* 37, no. 3 (Oct 2006): 460.

temple while Thailand was trying to maintain a relationship with Democratic Kampuchea. From 1979 throughout the Vietnamese occupation of Cambodia, the temple was under the control of the PRK and Thailand did not officially challenge its status. However, during this period, the CGDK was the internationally recognized government of Cambodia and Thai reporters, as well as government officials, raised the issue with its head of state, Norodom Sihanouk. The resolution of the Cambodian conflict saw Thailand and Cambodia cooperate in the Preah Vihear issue from 1989 to 1993, though temple was closed intermittently due to continued fighting in the area. From 1993 to 1998, Khmer Rouge rebels held the temple until they surrendered there in December. The Khmer Rouge surrender from then until the present day marks the longest stretch of time where a sovereign government of Cambodia has been able to exercise effective control over Preah Vihear.

The current literature on the Preah Vihear Temple dispute generally assumes that the dispute was resolved in 1962 and contends that the dispute reemerged recently as a result of domestic politics in both countries. However, this chapter has shown that many within Thailand did not consider the matter settled, and Preah Vihear remained an important issue to many within Thailand throughout the intervening period. Despite its importance, domestic political turmoil did not result in the politicization of the Preah Vihear issue that we ostensibly see today. This chapter also argued that the importance of the issue, and domestic political turmoil notwithstanding, external events shaped both countries' behavior vis-à-vis the Preah Vihear Temple.

## **IV. RECENT DISPUTE: 1999–2011**

### **A. INTRODUCTION**

Almost 50 years after the decision on the original Preah Vihear dispute, the issue is back at the ICJ. The current case is not about the temple itself, but the territory surrounding the temple. On April 28, 2011, Cambodia brought the case back to the ICJ requesting a clarification of the 1962 decision.<sup>204</sup> The court released a provisional ruling on July 18, 2011, instructing the governments of Thailand and Cambodia to withdraw their troops from the territory surrounding the temple, pending a formal decision on the case.<sup>205</sup> While the dispute has only recently made its way back to the ICJ, the Preah Vihear issue, closely linked to border demarcation, reemerged over ten years ago. This chapter will examine Preah Vihear as a subject of dispute between Thailand and Cambodia since the Khmer Rouge surrender in 1998. It will address the historical legacy, domestic politics in both countries and changes in the external environment. It argues that the current dispute is primarily a result of conflicting historical claims, exacerbated by Thailand's domestic political situation. Further, the issue of Preah Vihear specifically, and border demarcation in general, reemerged soon after Cambodia was once again able to exercise effective control over its territory.

### **B. HISTORICAL FACTORS**

Judging from the positions of the Thai and Cambodian governments at the ICJ, conflicting historical claims are directly responsible for the current dispute. The disagreement between the governments of Thailand and Cambodia is a result of the same discrepancies in the documents associated with the early 1900s treaties, as well as different interpretations of the 1962 decision itself. The Thai government argues that the

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<sup>204</sup> “Preah Vihear on a knife-edge,” *Bangkok Post* (Thailand), June 8, 2011, <http://www.bangkokpost.com/news/local/241097/preah-vihear-on-a-knife-edge>.

<sup>205</sup> International Court of Justice, “Request For Interpretation Of The Judgment Of 15 June 1962 In The Case Concerning The Temple Of Preah Vihear (Cambodia V. Thailand),” July 18, 2011, <http://www.icj-cij.org/docket/files/151/16564.pdf#view=FitH&pagemode=none&search=%22preah%22> (accessed Sep 28, 2011).



1962 ruling only addressed the temple and did not cover the surrounding territory. The Cambodian government, in comparison, argues that the ICJ decision did include the territory surrounding Preah Vihear and that the boundary should conform to the 1907 map that the court cited in its decision. In addition to the technical disagreement, the dispute also has to do with more general conflicting historical claims. This is illustrated by the fact that other temples along the border have become the subject of dispute as well. These conflicting claims had not gone away; they had only been rendered irrelevant during the previous era of turmoil in Southeast Asia, and in Cambodia especially.

After the surrender of the Khmer Rouge in late 1998, Thailand and Cambodia demonstrated a willingness to compromise on Preah Vihear. Thai authorities allowed access to the temple from Thailand, and Cambodian authorities allowed access to the temple itself. Additionally, landmines left over from the previous era of warfare menaced the area and the two countries worked together to clear them.<sup>206</sup> The governments of Thailand and Cambodia began to negotiate on the matter of border demarcation, and in 2000, signed a memorandum of understanding (MOU) that established a joint boundary commission (JBC) to demarcate the border.<sup>207</sup> Despite the cooperation, however, tensions were soon evident.

Cooperation soon gave way to discord over border demarcation in general, and Preah Vihear, specifically. Some within Thailand questioned the validity of the maps from 1907 arguing that more recent maps should be used.<sup>208</sup> Citing the need to protect Cambodian territory from Thai incursion, in 2000, Cambodian military officials in the Preah Vihear province office called for a buildup at the border.<sup>209</sup> By February of 2000, Preah Vihear itself had become an increasingly popular tourist destination, though it was

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<sup>206</sup> Greg Torode, "Thailand to Clear Border Scourge," *South China Morning Post* (Hong Kong), October 30, 1998, (accessed via Newsbank Database: World News).

<sup>207</sup> Thayer, Cambodia: The Cambodian People's Party Consolidates Power, 92.

<sup>208</sup> Marisa Chimprabha, "Cambodian peace enables border talks," *The Nation* (Thailand), June 28, 1999, (accessed via Newsbank: World News Database).

<sup>209</sup> "Army calls for 'fortified' border against Thais," *Kaoh Santepheap – Khmer* (Cambodia), March 12, 2000, (accessed via Newsbank: World News Database).

intermittently closed for mine clearing operations.<sup>210</sup> While both countries had an interest in cooperating, an agreement between the tourism ministries of each country proved controversial in Cambodia. The tourism director of Cambodia, responsible for the deal, was demoted by King Sihanouk at the request of Hun Sen in July 2001.<sup>211</sup> More controversially, in December of that year, the Thai border authorities closed access to the temple, claiming that Cambodian vendors were polluting the Thai side of the border.<sup>212</sup> The deputy governor of Preah Vihear claimed that Thailand had closed the temple as part of a plan to take Cambodian territory.<sup>213</sup>

Preah Vihear was closed from the Thai side until May of 2003, which, along with other emerging disputes along the border, contributed to increasing anti-Thai sentiment in Cambodia. In January, the ownership of two additional temples on the border came into question.<sup>214</sup> The Thai department of fine arts had been working on restoring the temples for several years, but the Cambodian government sent a letter to the Thai Foreign ministry claiming that they belonged to Cambodia. The Thai foreign minister insisted that the temples were in Thai territory stating, "We can guarantee that the government would never give the temples to Cambodia."<sup>215</sup> Thailand's closure of its access to Preah Vihear, as well as the reports of the other disputed temples helped set the conditions for the riots that took place in Phnom Penh in January 2003.<sup>216</sup>

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<sup>210</sup> "Prasat Sambor Poised To Become Tourist Centre: Forty New Temples Rediscovered," *Agence Presse Khmère*, February 18, 2000, (accessed via Newsbank: World News Database).

<sup>211</sup> "Preah Vihear Temple: Agreement in Jeopardy" *The Nation* (Thailand), July 19, 2001, (accessed via Newsbank: World News Database).

<sup>212</sup> Pichit Saisaengchan, "Army Closes Stairway to Old Temple," *Bangkok Post* (Thailand), December 23, 2001, (accessed via Newsbank: World News Database).

<sup>213</sup> Thanaporn Promyamyai, "Cambodian Temple Isolated as Thailand Expresses Border Anger," *Agence France Presse – English*, January 4, 2002, (accessed via Newsbank: World News Database).

<sup>214</sup> The two temples were Ta Muen Thom and Sdok Kok Thom. Thai and Cambodian troops clashed at the first, while the second has not come up again. A third temple, Ta Kwai (to the Thais)/Ta Krabei (to the Cambodians) joined in the dispute later.

<sup>215</sup> "Border Dispute: Cambodia Makes Claim To 2 Temples," *The Nation* (Thailand), January 17, 2003, (accessed via Newsbank: World News Database).

<sup>216</sup> Hinton, "Khmerness and the Thai 'Other': Violence, Discourse and Symbolism in the 2003 Anti-Thai Riots in Cambodia," 461.

The infamous riots occurred after the Cambodian press reported (erroneously) that a popular Thai actress claimed that Angkor Wat (Cambodia's most famous temple) should be returned to Thailand.<sup>217</sup> The reports provoked a frenzied response as angry mobs burned down the Thai Embassy and attacked several Thai-owned businesses.<sup>218</sup> In Thailand, thousands of protestors converged on the Cambodian embassy in Bangkok prompting an intervention by King Bhumipol.<sup>219</sup> Though the issue temporarily disrupted Thai and Cambodian relations, the two governments worked together to prevent an escalation. Border demarcation and Preah Vihear, however, remained an irritant in Thai-Cambodian relations.

Later, when the issue escalated in 2008, other temples located in disputed territories were dragged into the conflict. In August 2008, Thai and Cambodian forces faced off at Ta Muen Thom, one of the temples that had been disputed in 2003. Military leaders at the site were able to avoid a clash but ownership of the temple remained in dispute. Spokesmen from both countries reported that the temple belonged to their own country.<sup>220</sup> In September, the Thai government lodged a diplomatic protest with the Cambodian government claiming that Cambodian troops were encroaching on Ta Kwai, a temple near the border, but in Thailand. A Cambodian government spokesman reported that Thai soldiers were encroaching on Ta Krabei, a temple in Cambodia.<sup>221</sup> They were talking about the same temple. In mid-October of the same year, after clashes at Preah Vihear, both sides reinforced positions at the other two temples and in April of 2011, Thai and Cambodian troops clashed near both temple sites.<sup>222</sup>

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<sup>217</sup> Angkor Wat was under Siamese control prior to the French Colonial era.

<sup>218</sup> Chandler, *A History of Cambodia*, 294.

<sup>219</sup> Hinton, "Khmerness and the Thai 'Other': Violence, Discourse and Symbolism in the 2003 Anti-Thai Riots in Cambodia," 450.

<sup>220</sup> Supalak Ganjanakhundee, "Thai Troops Still at Ta Muen Thom, General Says," *The Nation* (Thailand), August 7, 2008, [http://www.nationmultimedia.com/2008/08/06/national/national\\_30079953.php](http://www.nationmultimedia.com/2008/08/06/national/national_30079953.php).

<sup>221</sup> Thanida Tansubhapol, "Official Protest Handed to Cambodia," *Bangkok Post* (Thailand), September 17, 2008 (accessed via Newsbank: World News Database).

<sup>222</sup> "Troops clash on border," *Bangkok Post* (Thailand), October 16, 2008; "Ties with Cambodia in danger," *Bangkok Post* (Thailand), April 26, 2011, <http://www.bangkokpost.com/news/local/233704/ties-with-cambodia-in-danger>.

While much of the Thai-Cambodian border has yet to be properly demarcated, the presence of ancient Khmer temples in disputed territory exacerbates the problem. The temples are historically and culturally significant in both countries (though more so in Cambodia). Alexander Hinton demonstrates the importance of Khmer architecture in Cambodia.<sup>223</sup> While Angkor Wat and Preah Vihear are the most famous examples of Khmer architecture, a network of ancient temples spans the territory of the former Khmer Empire, including modern Thailand, Laos and Cambodia. Most are located well within the national borders of a country and ownership is not in question (though can still be an emotional issue as the Phnom Penh riots demonstrate). Problems can occur when the temples lie in disputed territory.

Scholars illustrate the importance of Khmer temples in Thai history and culture as well. Anthropologist Charles Keyes writes, “[t]he heritage of Angkor does not, however belong unequivocally to the Khmer; it has also been claimed by the Thai.”<sup>224</sup> He shows that Khmer history, specifically Khmer temples such as Phnom Rung, have been partially, if selectively, incorporated into Thai history.<sup>225</sup> Thai historian, Charnvit Kasetsiri, describes the links between Thai and Cambodian culture, “...especially true of royal customs, language, writing systems, vocabulary, literature, and the dramatic arts.”<sup>226</sup> In the past, Thai leaders incorporated elements of the Khmer legacy into Thai culture. King Mongkut (Rama IV) even attempted to have a Khmer temple dismantled and reassembled within the territory of Siam, and when that effort failed, he had a model of Angkor Wat built at the temple of the emerald Buddha in Bangkok.<sup>227</sup> The fact that both countries make historical claims to the same legacy causes conflict when symbols of that

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<sup>223</sup> Hinton, “Khmerness and the Thai ‘Other’: Violence, Discourse and Symbolism in the 2003 Anti-Thai Riots in Cambodia,” 455.

<sup>224</sup> Charles F. Keyes, “The Case of the Purloined Lintel: The Politics of a Khmer Shrine in as a Thai National Treasure,” in *National Identity and its Defenders: Thailand 1939–1989*; ed. Craig J. Reynolds (Clayton, Vic: Centre of Southeast Asian Studies), 264.

<sup>225</sup> Keyes, “The Case of the Purloined Lintel: The Politics of a Khmer Shrine in as a Thai National Treasure,” 265.

<sup>226</sup> Charnvit Kasetsiri, “Thailand-Cambodia: A Love-Hate Relationship,” *Kyoto Review of Southeast Asia* 3, March 2003.

<sup>227</sup> Charnvit Kasetsiri, “Thailand-Cambodia: A Love-Hate Relationship,” *Kyoto Review of Southeast Asia* 3, March 2003. The same emerald Buddha that France tried to have returned in Vientiane after WWII.

legacy fall in disputed territory. While the role of ancient Khmer culture and architecture is important, more recent history is still important as well.

A 2010 opinion piece published in a prominent English language newspaper in Thailand provides more evidence that the Preah Vihear issue is closely related to the concept of loss, as described by Tongchai Winichakul and Shane Strate. They argue that the Thai government is mishandling the situation with Cambodia and Thailand and is at risk of “losing” territory in the same manner that it lost Laos and Cambodia to colonial France. Additionally, they contend that Thailand did not actually accept the 1962 decision and has the right to appeal. The article concluded with the foreboding declaration that “Thai soldiers on the border are on high alert. If the first warning goes unheeded, we should reserve the right, under our sovereignty, to drive out any nationals infringing upon our land.”<sup>228</sup> This article is not a statement of policy but it reflects a view of the dispute that some in Thailand still hold. It indicates that the notion of historic loss is still relevant in Thailand.

Conflicting historical claims are very relevant to tension at the border since 2000. The underlying causes of the original dispute, never actually rectified, have again become important. The historical and cultural importance of Khmer temples to both Thailand and Cambodia are another element of the dispute. While this section showed that the tensions at the border and over Preah Vihear emerged several years before the onset of Thailand’s domestic political problems, the next section will show that those domestic problems in Thailand have indeed played an important role in shaping the dispute.

## **C. DOMESTIC POLITICAL FACTORS**

### **1. Thailand**

The political unrest in Thailand associated with the recent troubles over Preah Vihear began with the coup d’état against Prime Minister Thaksin Shinawatra in September of 2006. The coup that resulted began a period of what one analyst describes

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<sup>228</sup> Thanong Khanthong, “Abhisit Outmanoeuvred by Hun Sen on Disputed Temple,” *The Nation (Thailand)*, July 30, 2010.

as “political pandemonium,” consisting of a military junta, constitutional reform, multiple elections, and judicial involvement in the political process.<sup>229</sup> In the midst of that turmoil, the Preah Vihear Temple became a divisive political issue, resulting in a drastic escalation.

During the Thaksin era, Thailand and Cambodia were able to separate disagreements over border demarcation matters from their overall relationship, but tensions were still evident. In September 2003, after Thai authorities reopened access to the temple, Thai and Cambodian soldiers nearly clashed over a building in disputed territory near Preah Vihear.<sup>230</sup> In January 2004, a Thai academic suggested that Cambodia relinquish Preah Vihear to Thailand to compensate for the damage done to Thai property during the January 2003 riots. The comments resonated in Cambodia so much that the Thai Ambassador sent a message to the Cambodian government assuring them that the view did not reflect the opinions of the Thai government or people.<sup>231</sup> Other positive action included the Thai government agreeing to support Cambodia’s application for Preah Vihear UNESCO inscription back in 2004.<sup>232</sup> In May of 2005 however, Thai and Cambodian troops faced off near Preah Vihear.<sup>233</sup> The two countries were able to compartmentalize border issues because their relationship was otherwise good.

Thai foreign policy under Thaksin was largely responsible for the strong relationship between Thailand and Cambodia. His government actively pursued relationships with Thailand’s neighbors, linking them with private sector investment.<sup>234</sup> His foreign policy combined with regional business development benefited Thailand as

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<sup>229</sup> Paul Connors, “In the Shadow of the Soldier’s Boot: Assessing Civil Military Relations in Thailand,” in *Legitimacy Crisis in Thailand*, ed. Mark Askew (Chiang Mai: Silkworm books, 2010), 197.

<sup>230</sup> “Thais, Cambodian Soldiers in Stand-off Over Building,” *Bangkok Post* (Thailand), September 14, 2003.

<sup>231</sup> “Thai Government Clarifies Stance on Cambodia’s Preah Vihear Temple,” *Agence Kampuchea Presse – French*, January 5, 2004.

<sup>232</sup> Bhanravee Tansubhapol, “UN Status Sought for Preah Vihear,” *Bangkok Post* (Thailand), March 26, 2004.

<sup>233</sup> “Stand-off at Preah Vihear,” *The Nation* (Thailand), May 18, 2005.

<sup>234</sup> Duncan McCargo and Ukrist Pathmanond, *The Thaksinization of Thailand*, (NIAS Press 2005), 52.

well as him, personally. Thaksin's businesses, including his mobile phone company, did business in Cambodia.<sup>235</sup> His bank was also financing road development in Northwestern Cambodia.<sup>236</sup> He thus had a strong incentive to maintain good relations with Cambodia. Critics seized on this, alleging that Thaksin compromised Thai interests to serve his own. Regardless of his motives, Thaksin's foreign policy helped maintain a good relationship with the Cambodian government, which helped prevent the escalation of border demarcation issues..

The military junta that overthrew Thaksin did not drastically alter policy over Preah Vihear. Calling itself the Council on National Security (CNS), the military deposed Thaksin on September 19th, 2006.<sup>237</sup> The CNS stated that it supported Cambodia's UNESCO application for Preah Vihear, in principle, but wanted to settle the demarcation matter of the territory near Preah Vihear before officially giving its support.<sup>238</sup> As a result of the outstanding demarcation concerns, the World Heritage Committee voted to delay the inscription for a year, in anticipation of the two countries resolving their border issues.<sup>239</sup> Cambodian border authorities temporarily closed Preah Vihear in what seemed to be a bit of retaliation.<sup>240</sup> Eventually, the CNS agreed to support Cambodia's bid, though it was concerned about the possible impact on Thai territory.<sup>241</sup> At this point, Thailand and Cambodia did not see eye to eye on Preah Vihear, but there were no serious issues resulting from it.

Preah Vihear became a major political issue in Thailand and a more serious factor in Thai-Cambodian relations for the government that followed the CNS. The

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<sup>235</sup> McCargo and Pathmanond, *The Thaksinization of Thailand*, 52.

<sup>236</sup> "Premier, Hun Sen to Inspect Disputed Border," *The Nation* (Thailand), August 11, 2006.

<sup>237</sup> Hannah Beech, "The Military Will Withdraw From Politics," *Time Magazine* (Online), February 27, 2007.

<sup>238</sup> "Temple Issues Not Resolved," *The Nation* (Thailand), June 29, 2007.

<sup>239</sup> "Preah Vihear Temple to Wait a Year for World Heritage Site Decision," *Xinhua News Agency* (China), July 2, 2007.

<sup>240</sup> "Mutual Ties Not Affected by Phreah Vihear Dispute: Thai Ambassador," *The Nation* (Thailand), July 7, 2007.

<sup>241</sup> Mark Askew, "Confrontation and Crisis in Thailand, 2008–2010," in *Legitimacy Crisis in Thailand*, (Chiang Mai: Silkworm books, 2010), 35.

constitutional court dissolved Thaksin's Thai Rak Thai (TRT) party in May. The TRT however, reconstituted as the People's Power Party (PPP), winning a decisive victory in the December 2007 election.<sup>242</sup> Samak Sundravej was appointed leader of the PPP, becoming Prime Minister, though he openly functioned as proxy for Thaksin.<sup>243</sup> Samak's administration came under immediate attack from the political opposition, including the Democrat Party led by Abhisit Vejjajiva, and its allies, the People's Alliance for Democracy (PAD). In this contentious environment, the Preah Vihear Temple issue became an effective tool for attacking the current government.

In May of 2008, Thai Foreign Minister, Noppadon Pattama signed a joint communiqué with Deputy Prime Minister of Cambodia Sok An, expressing Thailand's support for Cambodia's UNESCO application for Preah Vihear.<sup>244</sup> On July 8, the WHC voted to inscribe Preah Vihear.<sup>245</sup> The foreign ministry's position prompted protests from the PAD and the Democrat Party. The PAD protested in Bangkok, as well as at the temple site itself. Abhisit launched into a tirade against Noppadon and Samak, accusing them of lying about the temple and violating the Thai constitution. He alluded to both the Thai government's nonacceptance of the 1962 decision and government's right to appeal.<sup>246</sup> Political rhetoric notwithstanding, the official position of the Democrat Party was that the UNESCO inscription affected border demarcation and thus required the approval of parliament, according to the constitution.<sup>247</sup> Noppadon and the incumbent government disagreed, arguing that the Thailand support was only for the temple itself and that the disputed territory around it would not be affected.

The continued domestic turmoil in Thailand would see the escalation of the Preah Vihear issue, and the downfall of Noppadon, Samak, and the PPP. Noppadon defended

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<sup>242</sup> Thitinan Pongsudhirak, "Thailand Since the Coup." *Journal of Democracy* 19, no. 4 (2008): 143.

<sup>243</sup> Duncan McCargo. "Thailand: State of Anxiety." *Southeast Asian Affairs* 2008 (2009): 335, 340.

<sup>244</sup> Chachavalpongpan, "Temple of Doom: Hysteria About the Preah Vihear Temple in the Thai Nationalist Discourse," 83.

<sup>245</sup> "Temple Listed as Heritage Site," *Bangkok Post* (Thailand), July 8, 2008.

<sup>246</sup> Abhisit: Gov't Telling Lies," *Bangkok Post* (Thailand), June 25, 2008.

<sup>247</sup> Chachavalpongpan, "Temple of Doom: Hysteria About the Preah Vihear Temple in the Thai Nationalist Discourse," 93.



the government's policy, pointing out that he conferred with military officials at the border to ensure that the map included with the communiqué did not compromise Thailand's territory.<sup>248</sup> The controversy continued, however, and Noppadon resigned under the pressure.<sup>249</sup> In September 2008, Samak was also forced to resign as a result of trumped up charges in the increasingly antagonistic political environment.<sup>250</sup> From September onward, the border situation escalated with military buildups at Preah Vihear, Ta Muen Thom and Ta Kwai. In October, Thai and Cambodian troops exchanged fire at Preah Vihear for the first time.<sup>251</sup> Meanwhile, the PAD ratcheted up their campaign occupying the Suvarnaphumi Airport in Bangkok in December 2008, rendering it unusable. In December, the constitutional court dissolved the PPP, charging the party with electoral fraud.<sup>252</sup> Instead of holding elections, the Democrat Party was able to form a coalition and Abhisit became Prime Minister.<sup>253</sup>

Abhisit became prime minister on December 15, 2008 and faced a contentious atmosphere similar to the one his party helped create. While the previous government faced the protest of the PAD, Abhisit's government faced similar street protestors in the United Front for Democracy Against Dictatorship (UDD), known as the red-shirts. The Preah Vihear issue remained relevant under the new prime minister. Abhisit and his party had painted themselves into a corner on Preah Vihear while in the opposition. Noppadon called on Abhisit to stay true to his word and pursue the Preah Vihear issue now that he was prime minister. He stated "Mr. Abhisit and his government should be given the chance to work. But be warned that the efforts to encourage reconciliation will never materialise if the prime minister is something of a hypocrite."<sup>254</sup> Noppadon had not

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<sup>248</sup> "Abhisit: Gov't Telling Lies," *Bangkok Post* (Thailand), June 25, 2008.

<sup>249</sup> Ambika Ahuja, "Thai Foreign Minister Noppadon Pattama resigns," *USA Today* (US), July 10, 2008.

<sup>250</sup> Chachavalpongpon, "Diplomacy Under Siege: Thailand's Political Crisis and the Impact on Foreign Policy," 456.

<sup>251</sup> "Thailand accused of damaging temple," *The Nation* (Thailand), October 27, 2008.

<sup>252</sup> Robert Horn, "Thai Government Dissolved: Airports to Reopen?" *Time Magazine* (Online), December 2, 2008.

<sup>253</sup> Mark Askew, "Confrontation and Crisis in Thailand, 2008–2010," in *Legitimacy Crisis in Thailand*, (Chiang Mai: Silkworm books, 2010), 41–42.

<sup>254</sup> "Noppadon to Abhisit: Get Temple Back," *Bangkok Post* (Thailand), December 27, 2008.

changed his position on Preah Vihear, however, and was just making the point that Abhisit was constrained by his previous position. Abhisit's position, however, was that his government was constrained by Noppadon's signing of the joint communiqué in back in June of 2008.<sup>255</sup>

Thai analysts argue that the Abhisit government's policies on Preah Vihear were politically motivated, once he was in office. According to Pavin Chachavalpongpun, he used the Preah Vihear issue, while in office, in an attempt to shore up support as his poll numbers were falling.<sup>256</sup> Under Abhisit, the Thai government took proactive steps to reverse the support earlier governments had given. In June 2009, the Thai government began to campaign for the delisting of Preah Vihear.<sup>257</sup> Later, it allocated money to campaign against Cambodia's management plan for temple.<sup>258</sup> This was significant because the inscription process is not complete until a management plan is approved. Those efforts notwithstanding, Abhisit's government faced pressure from the PAD who had taken a more extreme position on Preah Vihear than the Abhisit government. The PAD advocated for the cancellation of the MOU signed in 2000, which was the basis for the demarcation effort.<sup>259</sup> By February 2011, the PAD was protesting against Abhisit's government, criticizing his handling of Preah Vihear.<sup>260</sup> Abhisit's government was facing pressure from all sides.

Tensions over Preah Vihear lasted the duration of Abhisit's term, while improving after he left office. Thai and Cambodian soldiers skirmished again at Preah Vihear in

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<sup>255</sup> "PM blames Noppadon for Temple Row," *Bangkok Post* (Thailand), August 2, 2010.

<sup>256</sup> Chachavalpongpun, "Temple of Doom: Hysteria About the Preah Vihear Temple in the Thai Nationalist Discourse," 107.

<sup>257</sup> Thanida Tansubhapol, "Why Govt Presses on with Temple Push," *Bangkok Post* (Thailand), June 22, 2009.

<sup>258</sup> "Khao Phra Viharn Park Closed After Clashes," *The Nation* (Thailand), January 27, 2010.

<sup>259</sup> Aekarach Sattaburuth, "Govt and PAD Arm Reach Temple Accord," *Bangkok Post* (Thailand), August 9, 2010.

<sup>260</sup> "Fighting on Cambodian Border," *Bangkok Post* (Thailand), February 4, 2011.

April 2009, January 2010 and February 2011.<sup>261</sup> Further clashes occurred at Preah Vihear in April 2011 and the disputed temples of Ta Muen Thom and Ta Kwai/Ta Krabei.<sup>262</sup> Abhisit led throughout a period of widespread protest and tense relations with Cambodia. Having never really achieved a position of stability, his government lost the most recent election to the Peua Thai Party (PTP), which selected Thaksin's younger sister, Yingluck Shinawatra as Prime Minister. She assumed office in August.<sup>263</sup> Thai and Cambodian relations have since showed signs of improvement.

## **2. Cambodia**

Analysts argue that Hun Sen and his party have benefited from the controversies over Preah Vihear, including the UNESCO listing and the boundary dispute with Thailand. Following the UNESCO listing, Cambodians were celebrating in the streets of Phnom Penh as the government and people celebrated.<sup>264</sup> Hun Sen and the CPP leveraged the UNESCO listing as the elections were approaching.<sup>265</sup> Another observer notes that Cambodian leaders commonly exploit Cambodia's archaeological heritage for political gain.<sup>266</sup> This does not mean, however, that domestic political concerns are responsible for Cambodia's behavior in the Preah Vihear Temple dispute. The most serious events in the Preah Vihear temple dispute (2008–2011) occurred after the elections, at a time when Hun Sen and his party had a firmer grasp on Cambodian politics than ever before.

Some observers argue that Hun Sen seized on the comments by the Thai actress in January 2003 because elections were coming up in July. When the Cambodian press

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<sup>261</sup> Wassana Nanuam, Thanida Tansubhapol And Prasit Tangprasert, "Thailand Shuts Tourist Spots After Fatal Clashes," *Bangkok Post (Thailand)*, April 4, 2009; "Khao Phra Viharn Park Closed After Clashes," *The Nation (Thailand)*, January 27, 2010; Ian MacKinnon, "Temple Dispute on Thai-Cambodia Border Shows No Signs of Halting," *The Telegraph (UK)*, February 7, 2011.

<sup>262</sup> "Fighting near Preah Vihear and in Surin," *Bangkok Post (Thailand)*, April 26, 2011.

<sup>263</sup> "Yingluck Shinawatra Is Elected Thai Prime Minister by Parliament," *New York Times (Online)*, August 5, 2011, (<http://www.nytimes.com/2011/08/06/world/asia/06thailand.html>).

<sup>264</sup> Hughes, "Cambodia in 2009: The Party's Not Over Yet," 211.

<sup>265</sup> Thayer, *Cambodia: The Cambodian People's Party Consolidates Power*, 92.

<sup>266</sup> Hughes, "Cambodia in 2008: Consolidation in the Midst of Crisis," 207.

reported the story, Hun Sen joined in the fray, publicly condemning and insulting the actress who supposedly made the comments.<sup>267</sup> He was responsible, in part, for the nationalist frenzy that resulted. However, he did not pursue the issue any further after the initial melee. His government worked with the Thai government to repair the relationship between Thailand and Cambodia. If he wanted to exploit something, he could have exploited the Preah Vihear issue in the run up to elections. Thai border authorities closed Preah Vihear in 2001 until May of 2003, before the elections. Moreover, the CPP did not win a majority and it took an additional year to form a governing coalition. Hun Sen came under pressure to step down as head of the CPP, though he did not.<sup>268</sup> If he had really wanted to exploit the Preah Vihear issue for political gain, it seems that he would have done so when he was politically most vulnerable. Instead, the most contentious period in the Preah Vihear dispute came after Hun Sen had already consolidated his position.

The most recent election in Cambodia occurred in July 2008. It brought the Cambodian People's Party (CPP) an overwhelming majority of seats in the Cambodian National Assembly. The CPP is now more popular and powerful than ever before, and Cambodia is likely to remain a one-party state for the foreseeable future.<sup>269</sup> The elections of 2008 corresponded to the political turmoil in Thailand and its discord over Preah Vihear. Observers note that the Preah Vihear issue has benefited Hun Sen. The UNESCO listing in July helped Hun Sen's popularity.<sup>270</sup> Noting the overwhelming victory of the CPP, Caroline Hughes argues that the Preah Vihear issue, inter alia, was responsible for a "...highly favorable environment in which the 2008 elections were held..."<sup>271</sup> While Hun Sen has benefitted from the controversy, the timing of the controversy does not really match the electoral cycle in Cambodia. As Kitti Prasirtsuk

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<sup>267</sup> Hinton, "Khmerness and the Thai 'Other': Violence, Discourse and Symbolism in the 2003 Anti-Thai Riots in Cambodia," 448.

<sup>268</sup> Duncan McCargo, "Cambodia: Getting Away With Authoritarianism?" *Journal of Democracy*, (October 2005), 106–107.

<sup>269</sup> Chandler, *A History of Cambodia*, 229.

<sup>270</sup> Thayer, "Cambodia: The Cambodian People's Party Consolidates Power," 92.

<sup>271</sup> Hughes, "Cambodia in 2009: The Party's Not Over Yet," 89.

notes, Hun Sen did not adopt a more conciliatory position on the Preah Vihear issue after the elections were over.<sup>272</sup> Since the elections of 2008, Hun Sen and the CPP have had a near monopoly on power. However, it was after Hun Sen and the CPP achieved their firmest grasp on power in Cambodia that the Preah Vihear dispute really escalated.

#### **D. STRATEGIC ENVIRONMENT**

The most important change in the strategic environment and the one that made the dispute possible again, is the absence of the outside powers that shaped Southeast Asia up through the early 1990s. The effect of that change was delayed by Cambodia's continued internal strife, which ended in the late 1990s. An additional change is Cambodia's membership in ASEAN, which was initially resistant to involvement in the dispute, but has demonstrated an increasing willingness to play a role. A familiar actor in the dispute is the ICJ, which has recently become involved again. ICJ decisions seem an important factor in shaping both countries' behavior.

The end of the United Nations Transitional Authority in Cambodia (UNTAC), in 1993, marked Cambodia's reemergence as an independent country. The Cambodian government in Phnom Penh, however, lacked the capability to exercise effective control over its territory. Only after the Khmer Rouge surrender in 1998 could the government in Phnom Penh function as the sovereign government of Cambodia. After sorting through some further political problems in 1999, Cambodia was at peace and not basically controlled by outside powers.<sup>273</sup> This represented a new dynamic for the government of Thailand as well. For the first time, it had to contend with a truly independent and sovereign Cambodia in an environment free from outside influence. Essentially, 1999 is when border disputes actually became a possibility between the two countries and the issue of Preah Vihear became relevant again.<sup>274</sup>

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<sup>272</sup> Prasirtsuk, "Thailand in 2008: Crisis Continued." 183.

<sup>273</sup> Chandler, *A History of Cambodia*, 292.

<sup>274</sup> Hughes, "Cambodia in 2009: The Party's Not Over Yet," 95. She cites 2003 as the year when Preah Vihear became accessible; however, Preah Vihear was intermittently accessible from 1998 onward.

Along with Cambodia's sovereignty came their acceptance into ASEAN, which has emerged as another source of influence in the Preah Vihear dispute. Though the organization was founded in 1967, Cambodia was the last country admitted, joining only in 1999.<sup>275</sup> Some analysts, as well as various political actors, believe that ASEAN has a role to play in the resolution of the conflict with Cambodia. Amitav Acharya writes that "...ASEAN membership seems to be a factor in restraining the two sides from escalating the issue further."<sup>276</sup> At the ASEAN summit in July 2011, Secretary of State Clinton stated that ASEAN was the appropriate venue to resolve the Preah Vihear issue.<sup>277</sup> Additionally, UNSC and the ICJ both said that ASEAN should have a role in resolving the dispute.<sup>278</sup> Other observers, however, have been less optimistic regarding the prospect of ASEAN involvement. One writes, "It will also expose yet another dimension of ASEAN's structural impotence and operational inefficacy, notwithstanding the problematic ASEAN Charter."<sup>279</sup>

ASEAN itself is now willing to help resolve the dispute after initially refusing. When the dispute began to escalate in July of 2008, members were resistant to assuming a conflict resolution role.<sup>280</sup> As the dispute dragged on however, ASEAN has changed its stance and decided that it does have a role to play in the conflict. In November 2009, the Secretary General of ASEAN, who is also a Thai Democrat Party member, appealed to ASEAN's foreign ministers to aid in the resolution of the conflict citing the Treaty of

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<sup>275</sup> Chandler, *A History of Cambodia*, 291.

<sup>276</sup> Amitav Acharya, "Democracy Or Death? Will Democratization Bring Greater Regional Instability to East Asia?" *The Pacific Review* 23, no. 3 (July, 2010): 349.

<sup>277</sup> "Hun Sen Says Bilateral Talks Impossible," *Bangkok Post* (Thailand), July 23, 2011.

<sup>278</sup> Nutida Puangthong and Piyanart Srivalo, "Military Opposes Cambodia Border Talks in Indonesia," *The Nation (Thailand)*, March 25, 2011; International Court of Justice, "Request For Interpretation Of The Judgment Of 15 June 1962 In The Case Concerning The Temple Of Preah Vihear (Cambodia V. Thailand)," section 53, July 18, 2011, <http://www.icj-cij.org/docket/files/151/16564.pdf#view=FitH&pagemode=none&search=%22preah%20vihear%22> (accessed Sep 28, 2011).

<sup>279</sup> Thitinan Pongsudhirak, "Right-wing PAD Must Not Resort to Irredentism," *Bangkok Post* (Thailand), September 23, 2009.

<sup>280</sup> Thanida Tansubhapol and Achara Ashayagachat, "Asean Stays out of Border Row," *Bangkok Post* (Thailand), July 23, 2008.

Amity and Cooperation (TAC).<sup>281</sup> As part of its provisions, the TAC calls for the “[m]utual respect for independence, sovereignty, equality, territorial integrity, and national identity,” and “[r]enunciation of the threat or use of force.”<sup>282</sup> Surin also appealed to Thailand to accept an offer from Indonesia to help mediate the conflict.<sup>283</sup>

The governments of Thailand and Cambodia have different opinions on the prospect of third party arbitration. Thai leaders insist on a bilateral solution while Cambodian leaders have sought third party involvement since the dispute escalated in 2008. In July of 2008, Thai government sources reported that Thailand would not allow an ASEAN role in resolving the dispute, stating that it would be solved bilaterally.<sup>284</sup> In August of 2010, the Thai government again rejected ASEAN involvement, insisting on a bilateral resolution. In addition to bringing the issue to ASEAN, Cambodia has appealed to the UN. In February 2010, Cambodia sent a letter to the UNSC accusing Thailand of violating the UN charter in a move that prompted the Thai government to send a response rebutting the charges.<sup>285</sup> In February 2011, while Thai and Cambodian troops were again clashing near Preah Vihear, the UNSC requested that the foreign ministers of Thailand and Cambodia, as well as the ASEAN chairman, provide briefings on the Preah Vihear dispute.<sup>286</sup> This represented a victory, of sorts, for Cambodia as well as high level recognition for an ASEAN role in resolving the dispute. The differing positions of each government on the issue of outside arbitration are understandable. Entities within the Thai government probably realize they stand a greater chance of losing in a situation with third party arbitration. Additionally, while Thailand is accustomed to playing a

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<sup>281</sup> “ASEAN: Cambodia-Thai Dispute Needs Intervention to Avoid Serious Division,” *Reaksmei Kampuchea* (Cambodia), November 9, 2009.

<sup>282</sup> Weatherbee, *International Relations in Southeast Asia: The Struggle for Autonomy*, 130.

<sup>283</sup> Chairat Charoensin-o-larn. “Thailand in 2009: Unusual Politics Becomes Usual.” *Southeast Asian Affairs* 2010 (2011): 322.

<sup>284</sup> No Role for ASEAN in Preah Vihear Row,” *Bangkok Post* (Thailand), July 22, 2008.

<sup>285</sup> “Thailand to Explain UN over Dispute,” *Bangkok Post* (Thailand), August 9, 2010.

<sup>286</sup> Supalak Ganjanakhundee, “Conflict Goes International,” *The Nation* (Thailand), February 11, 2011.

leadership role in ASEAN and sending its troops to other Southeast ASEAN countries, it is not accustomed to third party involvement in its own problems. Cambodia, on the other hand, is accustomed to such involvement.

There is precedent for ASEAN involvement in Cambodia. At the early stages of the Cambodian conflict, after the SRV invasion, ASEAN lobbied to keep the UN diplomatic credentials in the hands of Democratic Kampuchea and then the CGDK. Of course, Cambodia was not a member at that time. ASEAN intervened in Cambodia again more recently. When Cambodia was going through the process of becoming an ASEAN member, Hun Sen moved against his co-prime minister in the internal coup of 1997. As a result, ASEAN delayed Cambodia's admittance into the organization. Hun Sen was forced to consent to ASEAN monitoring the elections in 1998, after which the organization admitted Cambodia in 1999.<sup>287</sup> The precedent of ASEAN involvement in Cambodia may also help to explain Cambodia's desire for ASEAN involvement. Additionally, as in the first case, Cambodia is the weaker country and outside intervention will ensure a more level playing field.

While some may speculate that ASEAN membership has exerted a stabilizing effect on Cambodia and Thailand in the Preah Vihear dispute, the ICJ's influence appears to be much more substantial. Despite the lingering historical claims and the domestic influences in Thailand, the official position of the Thai government is that the 1962 decision stands. This demonstrates that the Thai government respects the authority of the ICJ, no matter how unpleasant many in Thailand find the decision. Moreover, both countries have stated that they will obey the order of the ICJ and withdraw their troops from the area surrounding Preah Vihear. The real test will be when the ICJ rules on the matter of the disputed territory around the temple.

## **E. CONCLUSION**

The current Preah Vihear Temple dispute is a result of several different variables. The first is the matter of conflicting historical claims. As Thitinan Pongsudhirak points

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<sup>287</sup> Donald E Weatherbee, *International Relations in Southeast Asia: The Struggle for Autonomy*, (Lanham, Md: Rowman & Littlefield Publisher, 2005): 96–97.



out, “[h]istorical tensions run deep on both sides.”<sup>288</sup> The shared culture and history engenders competition that leads to conflict over temples in disputed territory. Additionally, the ambiguity of the documents associated with the 1904–1907 treaties is still very important, and was not resolved by the 1962 ICJ decision. Domestic politics in Thailand played an important role in the escalation of the dispute in 2008, but were not the cause of the dispute. The dispute began to reemerge, however, after the late 1990s when Cambodia was once again able to exercise effective control over its territory. Thailand’s political situation has stabilized, for the time being, and relations between the two countries are improving, but the matter of the territory surrounding Preah Vihear is still outstanding. The ICJ will issue a decision on the matter at some point in the future. After the original ICJ decision, an observer asked, “...is the dispute over, or has it merely been suspended?”<sup>289</sup> That question is equally fitting at this point.

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<sup>288</sup> Thitinan Pongsudhirak, “Right-wing PAD Must Not Resort to Irredentism,” *Bangkok Post* (Thailand), September 23, 2009.

<sup>289</sup> Singh, “The Thai-Cambodian Temple Dispute,” 23.

## V. CONCLUSION

The purpose of this thesis was to determine the causes of the Preah Vihear Temple dispute. To that end, it evaluated three explanations over three different time periods since the 1950s. The first was the matter of conflicting historical claims, mainly rooted in the colonial era but also traceable to much earlier eras. The second was the issue of domestic politics in both countries, but primarily Thailand. This is the most common explanation for the recent period of dispute. The third was the effect of the strategic environment in the dispute. To assess these explanations, this thesis examined three periods since the 1950s: the original dispute (1954–1966), the inter-dispute period (1968–1998) and the time period leading up to and including the recent military clashes (1998–1999). This thesis argues that the most important and consistent cause of the Preah Vihear dispute is that of conflicting historical claims; the other two explanations help to account for the dispute during some periods, but not all.. Currently, the dispute appears to be in a lull as both countries await another ICJ decision. The court has recently authorized both countries to submit additional documentation.<sup>290</sup>

In the original case, conflicting historical claims along with the Thai and Cambodian governments' different responses to internal and external threats, led to the dispute. Thais and Cambodians both maintain longstanding claims on much of the same territory. Depending on how far back one goes in history, both sides have justifiable claims. The Khmer Empire, the precursor to modern day Cambodia, included most or all of modern day Thailand. In more recent history, much of modern Cambodia was under the suzerainty of Siam, the precursor to modern Thailand. Many in Thailand believe that modern Cambodia (as well as other territories) was taken unjustly from Siam (now Thailand) during the colonial era. Though historians Thongchai Winichakul and Shane Strate argue that Thailand's "losses" are largely a myth, the belief resonates among many in Thailand, and that is what makes it important. Additionally, there is an acute cause

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<sup>290</sup> International Court of Justice, "Request For Interpretation Of The Judgment Of 15 June 1962 In The Case Concerning The Temple Of Preah Vihear (Cambodia V. Thailand): The Court Authorizes the Parties to Furnish Written Explanations," December 5, 2011, <http://www.icj-cij.org/docket/files/151/16843.pdf> (accessed Dec 6, 2011).

embedded in the historical record: discrepancies in the documents associated with the early 1900s treaties between Siam and colonial France make it possible for both sides to claim ownership over the territory. According to the treaty language, Preah Vihear fell in Thai territory. However, according to semi-official maps produced by French surveyors, the temple was in Cambodian territory. The original dispute was thus directly attributable to conflicting, though plausible claims on both sides.

The dispute did not arise until certain external circumstances changed. Though ownership of the temple was in dispute between the Thai government and the colonial French authorities as early as 1949, there was no real controversy until Cambodia achieved independence from France in 1954. Until then, French leaders were busy fighting to maintain control of Vietnam, and in that context, the Preah Vihear temple was not important enough to cause a serious issue. When Cambodia achieved independence from France, however, that changed. The Cambodian leader, Norodom Sihanouk, chose to press the issue of Preah Vihear. At the same time, the Thai and Cambodian governments responded differently to the emerging threat posed by the rise of communism in the region. After World War II, the Thai government became an ally of the U.S., and as the communist movements in Asia gained momentum, Thailand became staunchly anti-communist. The Cambodian government, on the other hand, decided that its best course was to remain neutral, and it sought to maintain relationships with all sides, including the communist powers. This pulled the two countries apart. Combined with the conflicting historical claims, the different strategic alignment of the two countries drove them into a dispute over Preah Vihear. Specifically, Cambodia's rejection of SEATO membership led to a military buildup on the Thai side of the border and to Thailand's ostensible official claim on Preah Vihear. Additionally, Cambodia's relationship with the PRC helped derail bilateral negotiations over Preah Vihear.

While the external environment, combined with conflicting historical claims, drove the two countries into a dispute at Preah Vihear, it also played a part in the creation of a possible resolution. After the Cambodian government successfully internationalized the dispute against the wishes of the Thai government, the ICJ found in favor of Cambodia in 1962. However, the decision provoked outrage at all levels in

Thailand. But due to the changing strategic environment, the Thai government could not ignore the decision, even though it wanted to. Thailand was dependent on its anti-communist allies, led by the United States. The United States was intent on keeping Cambodia away from the communist powers, and thus, did not offer any support to the government of Thailand vis-à-vis the Preah Vihear issue. The Thai government very reluctantly complied with the Preah Vihear decision, but it did not do so in good faith. This is clear from the Thai government's various actions following the decision. Those actions included the removal of the entire flagpole at Preah Vihear, with the Thai flag still flying, (as opposed to lowering the flag), the closure of access to the temple, and the statements made by various Thai leaders. Moreover, military forces of the two countries clashed at Preah Vihear as late as 1966 while Thai leaders, at that time, still claimed the right to appeal in the future. The Thai government's defiant behavior immediately following the ICJ decision, as well as the clashes between troops in the years following, indicate that Thailand did not accept the decision and, therefore, the issue was had not actually been settled.

Analyses of the recent Preah Vihear Temple dispute often assume that the dispute was basically resolved with the 1962 ICJ decision, and then proceed to examine recent changes in both countries for reasons why a "new" conflict has occurred over the territory. But a closer look at the historical record demonstrates that the dispute has not actually been resolved. The issue *appeared* to have been resolved because it was not the major source of conflict between the two countries, in the way it had been in the 1960s, and the way it became in the late 1990s. The appearance is misleading, however. The larger conflicts that occurred in Indochina, and especially in Cambodia, simply displaced the Preah Vihear issue or led to a series of accommodations aimed at enabling Thai and Cambodian forces to confront more immediate threats. In short, the strategic environment shaped the behavior of both countries and effectively caused nonconflict over the temple and surrounding territory, even though the matter was not resolved.

Changes in the Cambodian government in the 1970s led to compromise over Preah Vihear. With the Lon Nol coup of 1970, Cambodia moved into the anti-communist camp and allied with Thailand. In a bid to improve relations, the Lon Nol government

offered to share Preah Vihear with Thailand. At the time, both the Thai and Cambodian governments depended heavily on the support of the United States. The U.S. departure from Southeast Asia in 1973 led to more change. Most importantly, the Lon Nol government fell to the Khmer Rouge in 1975, and Laos and South Vietnam were taken over by communist forces the same year. This left the Thai government surrounded by communist countries. As it could no longer count on the United States, the Thai government responded by compromising with the communist powers in Asia, including Cambodia. This led the Thai government to adopt a conciliatory posture with its Cambodian neighbor and it did not press the issue of Preah Vihear during the Khmer Rouge era, even when Khmer Rouge forces violated Thai territory near the temple.

The late 1970s through the late 1980s posed additional challenges to Cambodia, and new threats to the Thai government. The Preah Vihear issue remained important throughout these years. When Vietnamese forces overthrew the Khmer Rouge government in 1978, the Thai government harbored resistance fighters, including the Khmer Rouge, in its territory along the border. The Thai government had reason to not press territorial claims at this time. The border area was poorly demarcated and this allowed the Thai government to deny that it was actually harboring resistance fighters (Khmer Rouge and others) in its territory. During the 1980s, Cambodia was torn between the government in Phnom Penh and its Vietnamese patron on one hand, and the resistance fighters supported by Thailand, the United States and China on the other hand. During this time, the Vietnamese threat in Cambodia was a singular issue for the Thai government. At the same time, the Preah Vihear issue was still important to both countries. The government of Cambodia still had legal possession of the temple but was not able to exercise effective control over much of its territory along the Thai border. Some in Thailand pushed for the renegotiation of the temple, while the government in Cambodia used the issue for propaganda purposes. At this point, the temple was in somewhat of a “no man’s land.” Cambodia could not really access it as resistance fighters controlled the area, and Thailand could not openly contest it as Cambodia had the backing of the SRV. The temple was a common propaganda topic as the Cambodian press accused the Thais of flying reconnaissance flights over Preah Vihear, violating

Cambodia's sovereignty. As the outside powers began to withdraw from Cambodia in the late 1980s, the two countries briefly cooperated on the Preah Vihear issue. When the SRV pulled its forces out of Cambodia, that threat no longer animated Thai foreign policy. However, further strife in Cambodia rendered the Cambodian government still unable to exercise effective control over its territory, including Preah Vihear. From 1993 to 1998, the Khmer Rouge insurgents occupied the temple. During this period, the Khmer Rouge was able to leverage its control over territory containing natural resources, as well as their contacts on the Thai side of the border, to fund their continued resistance. It was not until the Khmer Rouge surrendered in late 1998 that the Cambodian government was able to control all of its territory, including Preah Vihear. This is when the dispute became possible once again, and it emerged shortly thereafter.

The latest episode of the Preah Vihear Temple dispute is primarily a result of the same conflicting historical claims between Thailand and Cambodia that caused the original dispute. It reemerged several years before the domestic political turmoil in Thailand began in 2006. It began once Cambodia finally became able to press its claims, and there were no longer greater threats to dissuade the two countries from disputing the temple area. However, domestic politics in Thailand were responsible, in large part, for the escalation of the dispute in 2008. Prior to the domestic political turmoil in Thailand, the two countries were able to manage the already sensitive issue of border demarcation and the Preah Vihear Temple issue. The otherwise good relations between the two countries prevented the Preah Vihear issue and other border disputes from escalating. However, the emergence of sustained political turmoil in Thailand changed this situation because the temple issue became a political wedge between the nationalist/royalist PAD and the opposition Democrat party.

What are the causes of the Preah Vihear Temple dispute? The most important cause of the dispute is that of conflicting historical claims. This is the basis of the dispute. The original dispute was shaped by the strategic environment, as was the seeming resolution. However, the dispute only appeared to be resolved because of greater threats to each country. After outside powers departed Cambodia, and the Cambodian government achieved the capability to press claims to its territory, the dispute reemerged.

This was several years prior to the domestic turmoil in Thailand, though that turmoil in did play an important role in the escalation of the dispute. This means that fixing Thailand's domestic problems, however unlikely, will not necessarily resolve the dispute. It is likely that the current improvement in relations between the two countries over Preah Vihear and border demarcation is only temporary. The next test will occur when the ICJ rules on the matter of the territory surrounding Preah Vihear.

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